

MISSOURI ADVISORY COMMITTEE
to the
U.S. COMMISSION ON CIVIL RIGHTS

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"CIVIL RIGHTS EMPOWERMENT FORUM"

AUGUST 13, 1997

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P R O C E E D I N G S

(3:10 p.m.)

OPENING REMARKS

DR. ROBINSON: We will get started.

The meeting of the Missouri Advisory Committee to the U.S. Commission on Civil Rights shall come to order.

For the benefit of those in our audience, I shall first introduce myself and then allow my colleagues to introduce themselves.

My name is Robert Robinson. I'm acting chairman of the Missouri Advisory Committee today. I'll go to my right.

MS. BOTELLO: My name is Rita Botello. I'm from Kansas City.

MS. PERRY: My name is Mona Perry. I'm from Belton, Missouri.

PARTICIPANT: We can barely hear you.

DR. ROBINSON: Would you?

MS. BOTELLO: My name is Rita Botello and I'm from Kansas City.

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1 MS. PERRY: And I'm Mona Perry from
2 Belton, Missouri.

3 DR. ROBINSON: Again, I'm Robert
4 Robinson from Jefferson City, Missouri.

5 I would also like to introduce the
6 staff from the Commission's regional office in
7 Kansas City: Mr. Melvin Jenkins, who is a
8 regional director, and Mr. Asencion Hernandez,
9 who is a civil rights analyst.

10 The U.S. Commission on Civil Rights
11 is an independent, bipartisan agency first
12 established by Congress in 1957 and
13 re-established in 1983. It is directed to
14 investigate complaints alleging that citizens
15 are being deprived of their right to vote by
16 reason of their race, color, religion, sex,
17 age, disability, or national origin, or by
18 reason of fraudulent practices; study and
19 collect information relating to discrimination
20 or denial of equal protection of the laws under
21 the Constitution because of race, color,
22 religion, sex, age, disability, or national

1 origin, or in the administration of justice;
2 appraise Federal laws and policies with respect
3 to discrimination or denial of equal protection
4 of the laws because of race, color, religion,
5 sex, age, disability, or national origin, or in
6 the administration of justice; serve as a
7 national clearinghouse for information in
8 respect to discrimination or denial of equal
9 protection of the laws because of race, color,
10 religion, sex, age, disability, or national
11 origin; submit reports, findings, and
12 recommendations to the President and Congress;
13 to issue public service announcements to
14 discourage discrimination or denial of equal
15 protection of the laws.

16 The Commission has 51 advisory
17 committees, one for each state and the District
18 of Columbia. Each is composed of citizens
19 familiar with local and state civil rights
20 issues. The members serve without compensation
21 and assist the Commission with its fact
22 finding, investigating, and information

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1 dissemination functions.

2 The Missouri Advisory Committee to
3 the U.S. Commission on Civil Rights is here to
4 conduct a community forum on race relations in
5 Springfield, Missouri, with emphasis on public
6 education and the administration of justice.

7 As a part of our clearinghouse
8 responsibility, with the cooperation of
9 federal, state and local civil rights agencies,
10 we will provide information on how to file a
11 discrimination complaint. Information which
12 relates to the topic of the meeting will be
13 especially helpful to the Advisory Committee.

14 The proceedings of this meeting,
15 which are being recorded by a public
16 stenographer, will be sent to the Commission
17 for its consideration. Information provided
18 may also be used by the Advisory Committee to
19 plan future activities.

20 At the outset, I want to remind
21 everyone present of the ground rules. This is
22 a public meeting, open to the media and the

1 general public. But we have a very full
2 schedule of persons who will be providing
3 information within the limited time we have
4 available. The time allotted for each
5 presentation must be strictly adhered to. This
6 will include a presentation by each
7 participant, followed by questions from the
8 Committee members.

9 To accommodate persons who have not
10 been invited but want to make statements, we
11 have scheduled an open session from
12 approximately 7:40 p.m. until 8:00 p.m. Anyone
13 wishing to make a statement during that period
14 should contact Asencion Hernandez for
15 scheduling.

16 Written statements may be submitted
17 to Committee members or staff here today, or by
18 mail to the U.S. Commission on Civil Rights,
19 400 State Avenue, Suite 908, Kansas City,
20 Kansas 66101. The record of this meeting will
21 close on September 13, 1997.

22 Though some of the statements made

1 today may be controversial, we want to ensure
2 that all invited participants do not defame or
3 degrade any person or organization.

4 In order to ensure that all aspects
5 of the issues are represented, knowledgeable
6 persons with a wide variety of experience and
7 viewpoints have been invited to share
8 information with us. Any person or any
9 organization that feels defamed or degraded by
10 statements made in these proceedings should
11 contact our staff during the meeting so that we
12 can provide a chance for public response.

13 Alternately, such persons or
14 organizations can file written statements for
15 inclusion in the proceedings.

16 I urge all persons making
17 presentations to be judicious in their
18 statements. The Advisory Committee appreciates
19 the willingness of all participants to share
20 their views and experiences with the Committee.
21 The Director of the Commission's Central
22 Regional Office, Melvin L. Jenkins, will now

1 share some opening remarks with you.

2 Thank you.

3 MR. JENKINS: Thank you,
4 Dr. Robinson.

5 To expand upon the opening statement
6 by Dr. Robinson, the Missouri Advisory
7 Committee to the U.S. Commission on Civil
8 Rights, we will conduct a fact-finding forum
9 today, one, to ascertain the status of race
10 relations in Springfield, with emphasis perhaps
11 on public schools and on the administration of
12 justice.

13 The second important reason why we
14 are here is to provide information to the
15 general public on how to file a complaint of
16 discrimination.

17 So often now when we hold community
18 forums in the United States in our
19 jurisdiction, we find that persons are not
20 knowledgeable about filing a complaint of
21 discrimination. In the Federal Government
22 there are over 23 Federal agencies responsible

1 for some aspect of civil rights. When a person
2 is staggered with 23 agencies, one must decide
3 which agency to file the complaint with.

4 This is one of the reasons why we
5 wanted to come to Springfield, to be able to
6 provide and to impart some knowledge concerning
7 the filing of complaints on discrimination.

8 The other important thing to remember
9 why we're here in Springfield, we're not here
10 in response to a particular complaint. We hold
11 community forums through the State of Missouri
12 from time to time to find out what's going on
13 in terms of civil rights.

14 Recently, we held a forum in
15 Jefferson City. In the past, we've held forums
16 in St. Louis and Kansas City, also, and St. Joe
17 in past years.

18 We need to be able to provide this
19 information to our commissioners in Washington
20 so they will be able to provide the information
21 to the public and to the President in terms of
22 civil rights. As you well know, the President

1 has indicated an interest in race relations, in
2 Michigan, on civil rights in this country.

3 What we will be doing as a part of our process
4 with the U.S. Commission on Civil Rights is to
5 monitor the President's initiative on race
6 relations in this country.

7 But again, I want to explain, we are
8 not here in response to a particular complaint,
9 but we are here to be able to provide
10 information to the general public and to listen
11 to you, the citizens of Springfield, regarding
12 your concerns about the status of civil rights
13 in this particular city.

14 Thank you.

15 DR. ROBINSON: At this time we would
16 like to ask our first presenter to come
17 forward, Mr. Lee Gannaway, Mayor of the City of
18 Springfield.

19 MR. GANNAWAY: Thank you very much.

20 DR. ROBINSON: You're welcome, sir.

21 WELCOME

22 MR. GANNAWAY: Would you prefer that

1 I sit or stand? You've kind of got it set up
2 both ways here.

3 DR. ROBINSON: That's up to you,
4 Mayor.

5 MR. GANNAWAY: Okay, I'll just stand
6 here, if that's okay.

7 DR. ROBINSON: Okay.

8 MR. GANNAWAY: Let me say, first of
9 all, welcome to Springfield.

10 Some of us didn't know there was such
11 a thing as a Missouri Advisory Committee or
12 Commission to the United States Commission on
13 Civil Rights, but we're susceptible to
14 education here in the Ozarks. We're glad to
15 learn about you.

16 And I speak for myself here when I
17 say some of us are not knowledgeable of your
18 existence. I'm sure there are many here in the
19 room who do have knowledge of your existence
20 and your functioning, et cetera.

21 In listening to the opening remarks
22 here about strictly adhering to the schedule, I

1 noticed I was given 15 minutes. And I feel a
2 little bit like the story that was told in my
3 hometown northwest of here, which is a small
4 town, only about 2,000 people, and allegedly
5 this took place about 25 years ago.

6 A man and his wife came into town on
7 a wagon, and they were driving down Main Street
8 and came to this sign that said 25 miles an
9 hour. And the fellow stopped his team and
10 wagon, and he got out and got up real close to
11 that sign and read it and said, "Well, that's
12 for sure what it says." And he got back in the
13 wagon and he said, "Mom, hang onto the kids,
14 we'll try to make it."

15 So I'll try to stretch my remarks if
16 I must now to 15 minutes, but if I don't quite
17 make it, I hope you'll forgive me for not
18 staying within the guidelines.

19 As you probably know from your
20 homework that I assume you might have done
21 prior to coming to Springfield, we are a city
22 with approximately 150,000 mostly friendly

1 Ozarkians, and we're just kind of a big country
2 town. Sometimes I feel like we're kind of like
3 a kid going through adolescence: We're at an
4 awkward stage in many respects in our city, and
5 sometimes that's good and sometimes it's not so
6 good.

7 For instance, and this has nothing to
8 do with what you're here about, but we have a
9 problem trying to attract air carriers in here
10 that give a decent rate for people flying in
11 and out. If you tried to get in here you know
12 about that. We're at that awkward stage where
13 we're not big enough nor have enough traffic to
14 demand those things, but yet we've got plenty
15 of travelers going out of here who think we
16 ought to be able to provide a decent, a
17 competitive air fare.

18 So we're kind of in that awkward
19 adolescence stage, not only in respect to air
20 traffic and travel, but in many other respects
21 with regard to our city. We apologize for
22 that, but I suppose that's just something that

1 we have to get through or grow through with
2 passage of time.

3 As you may be aware, our city -- and
4 I want to speak to you simply from the
5 standpoint of our city, because I can't get
6 into the public school aspect -- as you
7 probably know, the city does not have any
8 jurisdiction over our public schools. So what
9 they do or don't do is kind of none of our
10 business.

11 And I don't say that apologetically
12 or in any detrimental fashion. They do an
13 expert job there, and I wouldn't want to
14 substitute my judgment for theirs, quite
15 frankly.

16 Our city employs approximately 2,000
17 people. Sixty-four of those approximately
18 2,000 people are minorities, which is about 3
19 percent, and that's pretty close to the
20 minority representation of our population. We
21 have approximately 1.5 percent of our
22 population which is black, and 2.3 percent

1 other minorities in our city.

2 Breaking that down just a little bit,
3 and since you mentioned that administration of
4 justice was one of the areas which you were
5 interested in looking into, we have
6 approximately 250 police officers. That
7 varies, of course, a little bit from time to
8 time with retirement and with new classes,
9 academies graduating, et cetera.

10 In spite of the fact that we have
11 concentrated efforts for a number of years to
12 recruit minorities on the police force, we have
13 never been very successful. And I suppose part
14 of that is that we have extremely high
15 standards for our police officers, and we don't
16 apologize for that. And any black person or
17 minority who qualifies for our police force can
18 go out into the private sector and in private
19 corporations make twice what he's going to make
20 on the police force.

21 So we really can't blame a minority
22 who is qualified to serve on our police force

1 for saying, "Hey, I don't want your job because
2 I can do so much better in the private sector."
3 So qualifications have somewhat hamstrung us,
4 but in spite of that fact, we do have four
5 black police officers on our police force.

6 Unemployment in our city, as you may
7 or may not be aware, is something that almost
8 doesn't exist. Our unemployment varies from
9 month to month and year to year, from about a
10 low of 2.7 percent to the horrible other end of
11 about 3.2 percent, and that is about the worst
12 that our unemployment ever gets.

13 And I'm sure you would recognize from
14 those figures that in reality, if anyone really
15 wants a job it's available to them. We
16 virtually do not have any unemployment.

17 I was asked to comment, I believe, on
18 race relations in our city. And of course I
19 can only do so in a very general way. And I
20 suppose that my comments would be one of
21 150,000 that you might get and vary that much,
22 many different people that you can interview if

1 you interviewed every citizen in our city. But
2 I might, in commenting, give you an example.

3 Last Thursday morning I attended, as
4 I do I think every month, I'm not sure how
5 frequent those meetings are, a committee
6 meeting of what's called The Good Community,
7 something that has been started in our
8 community here something a little over a year
9 and a half ago. And it's made up of 80-some
10 people, kind of a cross-section of our
11 community.

12 And we have received a request or a
13 request has been made that The Good Community
14 consider recommending to public officials, or
15 perhaps taking that on as a project of their
16 own, a public apology to our black community
17 for an incident that happened in, I believe,
18 1903. And I apologize if I get the date wrong,
19 but I'll be close on this date.

20 But it was an Easter weekend, and I
21 believe the year was 1903, and three young
22 black men were hanged on our public square.

1 And from virtually all evidence that's
2 available today, and perhaps all that was
3 available at that time, those three young black
4 men were totally innocent of what they were
5 charged.

6 And they were lynched. They were not
7 legally found, they were not tried, they were
8 simply hauled out of a jail and hung on our
9 public square by a mob. And so it has been
10 suggested that perhaps in view of what
11 President Clinton has undertaken to do
12 recently, that that would be an appropriate
13 thing for our community.

14 One of the black members of our group
15 community committee brought with him a lady who
16 is something of a historian in our black
17 community here. And the thrust of her
18 conversation with us, a report or whatever you
19 want to call it, in essence, was this: Don't
20 do this.

21 Yes, you can find some folks in the
22 black community who would say, "Well, this is a

1 wonderful thing that you're thinking about
2 doing and it would be a wonderful thing if you
3 do it," but the majority of our black community
4 doesn't want this, doesn't need it. They
5 recognize that there's no one alive who had
6 anything to do with this, and even though some
7 of that attitude might still exist within some
8 of our citizens today, certainly we're as
9 diverse and opinions of that kind within our
10 community is, I suppose, about how any
11 community might be.

12 The lady said, "Do something positive
13 if you want to do something, but don't remind
14 us of something very negative, something very
15 detrimental to our community that happened so
16 many years ago that no one here had anything to
17 do with." No one here personally, of course,
18 has any recollection of it.

19 And I can't say that that lady speaks
20 for the black community entirely. In fact, she
21 would be quick to say that she didn't represent
22 100 percent of the minority or 100 percent of

1 the black community. But I think what she was
2 saying is that the majority of our community is
3 not looking for the leadership in our community
4 to make apologies or to recognize negative
5 things that have taken place in our history or
6 to dredge up things in the past, but they're
7 looking for positive things to happen in the
8 future.

9 And that, of course, is what all of
10 us who serve on that Good Community committee
11 would like to see happen. That's what those of
12 us who serve in city government want to see
13 happen, and those who serve, I think, in -- and
14 I can't speak for everybody, but I think our
15 community in general says, "Let's look to the
16 future with a positive attitude and let's not
17 look back with a negative attitude."

18 And I think that is a proper
19 reflection of the majority of our community
20 here in the way they look at race relations.

21 With that I'll stop, other than to
22 say we're very pleased to have you here in our

1 city, hope your stay is enjoyable and that your
2 respective trips back to your communities are
3 safe. And I'm available for any questions I
4 might be able to answer.

5 DR. ROBINSON: Thank you. Any
6 questions?

7 MR. JENKINS: With your last
8 statement, what is your vision of race
9 relations here in Springfield? What are some
10 of the positive things that you can point to
11 and what are some of the things that you want
12 to work on in the future regarding race
13 relations?

14 MR. GANNAWAY: Within the city, I
15 don't know that there's anything that has been
16 suggested to us to do or anything within the
17 law that we ought to be doing that we are not
18 doing, but again, like I say, I can speak only
19 for the city.

20 I know how frustrating it has been
21 for the Police Department to try to recruit,
22 and then maintain. I remember back a few years

1 ago when we had no black police officers and
2 then we finally got one. Everybody kind of
3 breathed a sign of relief, and had him about
4 six months and he was gone to a better job. I
5 don't fault him for that, but we've been very
6 frustrated in our efforts to try to recruit and
7 maintain minorities.

8 Other than making efforts of that
9 kind for employment, I can't give you a laundry
10 list of things that we have done or that we
11 intend to do in the future or anything
12 different. We kind of stay in the course of
13 what we've been doing.

14 MR. JENKINS: One of the things that
15 I'm come in contact with in probably the last
16 six or eight months, the people out in Alabama,
17 Louisiana, Mississippi, and even to the extent
18 in Iowa, there have been conversations and
19 study groups concerning race relations
20 basically because a few persons have talked in
21 terms of race relations in this country and
22 talked at each other.

1 Government leaders have now started
2 study groups, community dialogue groups
3 bringing persons together to simply talk about
4 what are your concerns, what are your thoughts
5 concerning race relations, how can we make this
6 community better. And I'm looking at
7 Springfield. Although you have a very small
8 minority population, less than 5 percent, still
9 that's a size of a member when you look in
10 terms of just the sheer numbers.

11 With that in mind, would you
12 entertain an idea of holding dialogue groups to
13 ascertain persons' feelings about race
14 relations?

15 MR. GANNAWAY: Kathy Clancy, who is
16 here today, and I don't know if Kathy is going
17 to talk to you or not, but she is the staff
18 person in charge of our --

19 MR. JENKINS: Human relations
20 division.

21 MR. GANNAWAY: Right, and she has
22 either made efforts in that direction or has

1 plans. Bring me up to date on that, Kathy.

2 MS. CLANCY: Yes, it is something
3 we've talked about.

4 MR. JENKINS: But I'm talking about
5 from you, the chief elected official, not a
6 person within the body or the bowels of City
7 Hall, but you as the chief elected official,
8 you as the representative.

9 MR. GANNAWAY: That is an extension
10 of my office. I appoint that commission and if
11 that commission does it, that's an extension.

12 MR. JENKINS: I understand that. But
13 you as the person, I vote for you, not the
14 extension. We realize that's a part of your
15 administration, but you as the head of the city
16 government doing that.

17 MR. GANNAWAY: Do I have any problem
18 with doing that?

19 MR. JENKINS: Right.

20 MR. GANNAWAY: Oh, no.

21 MR. JENKINS: Okay.

22 MR. GANNAWAY: No, not at all.

1 MR. JENKINS: Okay, that's good.

2 DR. ROBINSON: I have a question
3 here.

4 You indicated there has been some
5 difficulty in recruiting minorities,
6 particularly in the Police Department. I was
7 wondering, do you have an affirmative action
8 program in the Police Department or citywide?

9 MR. GANNAWAY: Citywide.

10 DR. ROBINSON: Does it in any way
11 spill over to police recruitment, law
12 enforcement recruitment?

13 MR. GANNAWAY: I can't answer that
14 specifically. I know that there's a gentleman
15 that's supposed to be here to talk to you from
16 the Police Department. I'm sure that he will
17 be able to address that.

18 DR. ROBINSON: I have one other
19 question. You said that the minority
20 population is about 3 percent, with 1 percent
21 being African American?

22 MR. GANNAWAY: 1 point. It's more

1 than 1 point.

2 DR. ROBINSON: Is there a significant
3 number or group in the other 2.3? Is there one
4 identifiable significant group, minority group
5 in that other 2.3?

6 MR. GANNAWAY: I think, and I would
7 assume, probably the Asian population. Kathy,
8 is that correct?

9 MS. CLANCY: Asian is second to
10 Hispanic.

11 MR. GANNAWAY: Asian, then Hispanic.

12 DR. ROBINSON: Any other questions?

13 MR. GANNAWAY: Quite an active Korean
14 group which numbers -- and this is probably
15 taking in the metropolitan area, and I mean
16 that area outside of the actual city limits --
17 we have about 1,000 people in the Korean group
18 that are members, 1,000 Korean people who are
19 members of their particular organization.

20 They're a very active organization.
21 They meet with some regularity. They're very
22 successful in various aspects of the community,

1 a hard-working group.

2 DR. ROBINSON: What's the total
3 population of Springfield?

4 MR. GANNAWAY: Approximately 150,000.

5 DR. ROBINSON: You have about 1,500
6 African Americans?

7 MR. GANNAWAY: Uh-huh.

8 MS. BOTELLO: I have a question. You
9 have a city council?

10 MR. GANNAWAY: Yes.

11 MS. BOTELLO: And the city council,
12 what's the minority representation?

13 MR. GANNAWAY: None.

14 MS. BOTELLO: None? Upper department
15 heads? Do you have departments in city
16 government?

17 MR. GANNAWAY: Uh-huh.

18 MS. BOTELLO: Are there minorities or
19 women in those positions?

20 MR. GANNAWAY: Women, yes. I don't
21 think any minorities. As I try to mentally
22 click down through them, I can't think of any,

1 but there's probably close to 40 percent are
2 women.

3 MS. BOTELLO: Forty percent of the
4 work force?

5 MR. GANNAWAY: No, department heads.

6 MS. BOTELLO: Department heads. So
7 how many department heads are there?

8 MR. GANNAWAY: Let me try to think of
9 them, women who are department heads. Our City
10 Clerk is a lady, our PIO head is a lady. It
11 depends here on what you call a department
12 head. Public housing.

13 MS. CLANCY: Are you referring to --

14 MR. GANNAWAY: Personnel.

15 MS. CLANCY: Court administrator is a
16 woman.

17 MR. GANNAWAY: Kathy knows these
18 people better than I do.

19 MS. CLANCY: Finance there's a woman,
20 two women (inaudible).

21 MR. JENKINS: What we will do is
22 submit a letter to you requesting that

1 information for our records.

2 MR. GANNAWAY: Be glad to furnish it.

3 MR. JENKINS: So that we don't have
4 to go back and forth like this.

5 MR. GANNAWAY: Otherwise I'm kind of
6 guessing.

7 MS. BOTELLO: I was just interested
8 in the percentage of minorities and women.
9 Thank you.

10 MR. HERNANDEZ: Just so there can be
11 an understanding: The only affirmative action
12 figures that we got from the city that I
13 requested was from the Police Department, but
14 the human resource person said that the
15 information was available. It's just a big
16 thick plan and all we have to do is request it.

17 MR. JENKINS: We will submit a letter
18 to the Mayor requesting the documentation that
19 the committee member wants of this.

20 MS. BOTELLO: Thank you.

21 DR. ROBINSON: Okay. Any other
22 questions? Thank you very much.

1 MR. HERNANDEZ: We're going to do a
2 quick switch here.

3 DR. ROBINSON: Okay. This gentleman
4 is Dr. Arnold Greve, Superintendent of the
5 Springfield Public Schools.

6 DR. GREVE: Greetings, Commissioner,
7 ladies and gentlemen. It's a pleasure to have
8 you in Springfield today. It's a pleasure for
9 me to share some insights of Springfield Public
10 Schools.

11 MR. JENKINS: Let's go off the record
12 for a minute, please.

13 (Recess)

14 DR. GREVE: In visiting with the
15 staff members in preparation for today, I was
16 just hoping that we could capture some of the
17 information that you really were interested in.
18 And I tried to do that, and again, as in the
19 Mayor's case, if you would like some additional
20 information we can certainly do that.

21 DR. ROBINSON: Okay. Thank you.

22 DR. GREVE: First of all, in terms of

1 the enrollment in Springfield Public Schools,
2 we have during the past school year basically
3 92 percent of the students in our public
4 schools are white and the remainder are
5 minorities. Four percent are African American,
6 2 percent Hispanic, 2 percent Asian, and less
7 than 1 percent American Indian.

8 Roughly unchanged statistics over the
9 past few years, with the exception of a growing
10 Hispanic community over the last two years that
11 has grown from 1 percent to 2 percent.

12 Basically doubled, a little over doubled in
13 size, during the period of time from '94 to '96
14 school years.

15 We have approximately 24,900 students
16 in the Springfield Public Schools. Gives you a
17 little flavor for the size.

18 Last year we made an emphasis on
19 attendance improvement in the district and
20 basically all groups, ethnic groups, improved
21 in their student attendance. The white group
22 improved by .14 of a percent, the African

1 American group improved by .74 percent, which
2 was the largest group of improvement, and
3 Hispanics by .37, and Asians .37, American
4 Indians .21. Overall attendance in the
5 district rose between 92 and 94 percent by
6 students.

7 In staffing we have a total of 1,856
8 certified staff and 1,067 non-certified staff,
9 a total of 2,923. Of course you know that
10 changes daily. We have about 98 percent of our
11 certified staff are white and the rest are of a
12 minority. We have 17 African American
13 certified staff members, two Asian, nine
14 Hispanic and five Indian, a total of 33 in the
15 minority category. In the non-certified staff
16 members we have of the 1,067, 1,037 white, 19
17 African American, two Asian, three Hispanic,
18 four Indian, for a total of 28 minority.

19 Again, the percentage there would be
20 slightly higher, 3 percent minority in the
21 non-certified staff versus the 2 percent in the
22 certified staff.

1 Again, as mentioned, in the city over
2 the years we've made some concerted efforts at
3 improving that ratio. The last attempt to try
4 to find an internal way that we had some
5 control over the results was to create, two
6 years ago, a minority scholarship program with
7 our three colleges -- a university and two
8 colleges, Drury, SMS and Evangel -- in
9 identifying potential public school teachers
10 who would be interested in remaining in the
11 area in Springfield and helping them with
12 significant scholarship in return for their
13 promise to stay with us in their school
14 district.

15 I'm pleased to say one person has
16 graduated under those conditions and is
17 currently teaching with us, an African American
18 teacher, and we have six others who have not
19 yet completed their degrees, and as I said, one
20 who is starting their second year with us, we
21 picked up late in her program. So we're
22 pleased with that, but that's not going to be

1 the total answer to our needs.

2 While we have an equal employment
3 policy we're trying in different ways to try to
4 meet a better ratio there in both of these
5 categories and we really know we need to do
6 that.

7 We've had some recent conversations
8 with some of our minority leaders in town in an
9 attempt to try to find ways they can help us
10 with that. And some have volunteered to go
11 with us on some recruiting trips in the future
12 to help gain insight in the opportunities
13 there.

14 The indication was you might be
15 interested in the district budget. We have a
16 total operating budget which includes the
17 teachers' fund, general fund and capital
18 projects and food services, a total of about
19 \$123 million, when all funds are included.
20 That serves as bond as well. The '97-'98
21 budget will be approximately \$132 million.

22 These expenditures are funded by

1 revenues received from local property tax and
2 sales tax, county funds received from fines and
3 forfeitures of state-assessed utility taxes,
4 state money provided through state aid for
5 education, and other state categories of aid
6 and grants, federally funded programs such as
7 PL94142, handicapped and food service
8 subsidies.

9 And approximately 49.2 percent of our
10 district revenues are derived from local
11 sources. About 1.3 from county, 28.9 from the
12 state, and 5.4 federal dollars in our district
13 budget.

14 In dropout data, we basically account
15 for our dropouts in three different ways. The
16 first is where we don't count someone more than
17 one time. A dropout, once they're a dropout,
18 even if we try to get them back in and get them
19 back in, if they drop out again, they're not
20 counted in duplicate counts like that.

21 Over the past year that number went
22 from 489 to 429 as a district, a drop of about

1 60 counting that way; in other words, not
2 counting any student last year who had dropped
3 out before more than one time during the school
4 year. Of that number of 429 we had 383 white,
5 34 African American, eight Hispanic, two Asian,
6 and two Indian.

7 Then we have what we call our state
8 reporting data, which is the data that counts a
9 12-month period from the day school ends one
10 year to the day school ends the next year, a
11 full 12-month period. That number was 600 this
12 year, even, up 25 from the year before, which
13 was 575. And of those 600 we had 523 white and
14 53 African American, 11 Hispanic, seven Asian,
15 and six Indian.

16 Actual leavers is the third category
17 we use, and those are students who leave and if
18 they had dropped out before, we count them
19 again. They dropped out again this year. And
20 as you can tell, that number will be in between
21 those two numbers of 429 and 600, and that
22 number is 513. And again, that number

1 represents 419 white, 45 African American, nine
2 Hispanic, five Asian, and five Indian.

3 Again, the dropout is a significant
4 concern to us and it's too high. One is too
5 many. What we want to do, one of our major
6 initiatives right now is our academic plan, and
7 one of the main goals of the academic plan is
8 to reduce our dropouts.

9 Our board is considering the actions
10 necessary to do that, in an action right before
11 them for information in August and an action in
12 September. We have several ideas there that
13 would help.

14 In terms of what are we doing or what
15 have we been doing this year, recently at
16 least, in terms of trying to help in the areas
17 of -- I'll try to keep on track here on time
18 for you -- to improve the racial relations and
19 our effectiveness with minorities in all of our
20 students in the past year.

21 First of all, for the first time this
22 year, unfortunately to say that for the first

1 time, we are having mandatory sensitivity
2 training for all of our staff members.

3 In fact, I left early a meeting that
4 I need to get back to now which is occurring
5 with all of our administrators first of all
6 today, which is basically our Reach training,
7 and that is occurring with all administrators.
8 We've been doing Reach training over the years.
9 But it has never been mandatory, and this is
10 the first time every administrator from me to
11 the central office to the principals and
12 assistants are undergoing that training today.

13 In addition to that, we will have
14 additional training under Reach later this
15 week, or next week, I mean, for all members of
16 the staff that chooses that particular
17 training, teachers and all.

18 And then we also have another
19 mandatory component of training with all of our
20 staff members coming back to us next week. We
21 have two presenters. All of the teachers and
22 all of our other staff, including

1 administrators, will attend one of two cultural
2 sensitivity training projects. One is by
3 William Jenkins and the other by Michael Wynn.

4 And I think Mr. Jenkins --
5 Dr. Jenkins is a teacher and consultant of the
6 Parkway School District. And staff will
7 examine the different environment backgrounds
8 and influences which African American students
9 bring to the classroom, focusing on how
10 understanding these differences and responding
11 appropriately can mean the difference between
12 success and failure in schools.

13 Wynn, of course, is co-founder of
14 (inaudible). Over 15 years he has worked with
15 school administrators, teachers, parents and
16 students in helping to turn schools into places
17 of passion. The desired outcome of this
18 program is to help students discover their
19 dreams and aspirations, to help students
20 discover their talents and interests, and help
21 students unlock their feelings and
22 imaginations, to help students develop their

1 life plans to accomplish their dreams.

2 We certainly hope that while this is
3 just a beginning, this will help us move
4 forward in helping meet the needs of all of our
5 students. In the Reach training, of course
6 respecting ethnic and cultural heritage, this
7 will enable our educators to examine concepts
8 and strategies in multicultural education,
9 diversity, and prejudice reductions from many
10 perspectives.

11 By critically analyzing one's own
12 socialization, assumption and bases, educators
13 will develop skills and plans for creating
14 high-performance students in a culturally
15 diverse society. I would say our beginning
16 today with this training was very well-received
17 in this action going on right now, and seems to
18 be very positively received from people.

19 I will have to just get through some
20 of the other comments I would make regarding
21 some of the initiatives, so that we can allow a
22 little time for questions. We have had ongoing

1 contact this year with the leaders of the NAACP
2 and other groups trying to reach some common
3 agreements on what we can do to make things
4 better, what we can do to improve. We need to
5 do that, and I think we're making some progress
6 in that respect.

7 We've had meetings with other groups
8 of minority leaders, the African American
9 ministers of Ministerial Coalition on a couple
10 of occasions.

11 And also, for two years now, we've
12 run a very, what I consider high-profile,
13 high-powered multicultural committee. This
14 group represents members from all of our
15 multicultural minority populations in town.
16 Each of them have had the opportunity to
17 acquaint people to this committee that
18 represents that field.

19 This group has three goals that
20 they've been working on. The first was to
21 develop a multicultural resource guide
22 providing a listing of persons within our

1 community who could be available to the
2 classroom teacher. Second is to research and
3 develop cultural kits that were representative
4 of the many ethnicities within our community.

5 And the third is for the committee to
6 establish a partnership with the Discovery
7 Center of Springfield to jointly develop a
8 hands-on exhibit located at that center that
9 would be available to our students as field
10 experiences. Those would be a hands-on kind of
11 museum.

12 The first two goals have been
13 accomplished. I should say multicultural kits
14 are being finalized as we speak, and each of
15 them present very interesting ways for
16 classroom teachers to expose their classrooms
17 to the different minority communities in
18 Springfield and what's important to them.

19 Then again, the Reach training that
20 we've had this past year, we've had over 150
21 participants from the district working on that
22 under the auspices of Glendale. One of our

1 high school's PTAs, Bill Haley, a consultant
2 from St. Louis, conducted meetings with
3 students of the multicultural initiative
4 committee, staff and community members on
5 April 7 at the community forum held that
6 evening.

7 Actual contact is made with our
8 African American seniors through our minority
9 affairs liaison, a staff member which we have
10 just made a 12-month person instead of a
11 nine-month person to try to be more or less an
12 ombudsman to our minority students. She makes
13 contacts with our seniors throughout the year
14 of their senior year trying to help make sure
15 they're aware of opportunities available to
16 them in scholarships as well as training beyond
17 high school.

18 Our minority committee has been very
19 responsive this year to helping open our
20 churches, some of the churches for tutoring
21 programs after school. And our minority
22 liaison has worked with some of these churches

1 in helping to put together people, students
2 from universities and colleges and other people
3 to help staff these.

4 We have one of our middle schools
5 (inaudible) sent a resolution team to a
6 conference in May in San Francisco regarding
7 building cultural (inaudible) peer mediation
8 programs. While each of our secondary schools
9 has an active peer mediation program, we feel
10 we have to continually beef those up and make
11 them more effective.

12 We will have a directory of materials
13 available from the minority liaison's office
14 next year, this fall, to be distributed, which
15 is resource material for classrooms to use.
16 The Springfield Public Schools diversity
17 program has been aired on Stone's Soup,
18 Channel 21, which is a public television
19 station, with some of our curriculum
20 specialists. Many of our elementary schools
21 have held cultural fairs during the school year
22 and have made it an annual event.

1 I could list a few more, but one of
2 the last things I would mention, I think, is
3 that this summer, again, the response to
4 requests from a minority church and the
5 activities within our community, we were able
6 to work with them to develop a black history
7 summer school.

8 This is a community and school
9 district project where a grant of \$10,671 was
10 obtained through the Justice Department. And
11 classes were held at Glen Isle Baptist Church
12 staffed by district personnel and community
13 people, and the goal of the summer school class
14 is to help students become more aware of
15 contributions the African Americans made to
16 American history.

17 Classes were kindergarten through
18 grade 12. A component added this year was the
19 African American males, grades 5 through high
20 school.

21 A trip to Atlanta, Georgia concluded
22 this year's session to the (inaudible)

1 institute down there, and Springfield
2 kindergarten students through grade 12
3 participate annual in the Martin Luther King
4 essay contest sponsored by NEA. And each year
5 we have some state winners and honorable
6 mentions in that area.

7 Rather than continue to discuss here,
8 let me close by saying in general, I feel we
9 have a lot of things going for us, but we have
10 a long way to go still. We aren't going to be
11 satisfied until our minority population
12 achieves as close as possible to the
13 achievement levels of everyone, that we have as
14 many opportunities for them in post-secondary
15 experiences as others, that we get attendance
16 and disciplines in line with others.

17 That's going to take a community-wide
18 effort and a lot of energies from all of our
19 groups that I think -- I think we saw some
20 mobilization this year in helping to bring that
21 about with the various components of our
22 minority community.

1 So with that I'll answer some
2 questions.

3 DR. ROBINSON: Thank you.

4 MS. PERRY: I have a question. Does
5 anyone monitor the dropout and expelled
6 students within the district?

7 DR. GREVE: Yes.

8 MS. PERRY: They do?

9 DR. GREVE: Yes. We have that and we
10 have desegregated, and each month we get data
11 and two principals with their supervisors going
12 over that data at least on a quarterly basis
13 with the principals, in reviewing that based on
14 the desegregated data.

15 MS. PERRY: Do you have an
16 alternative school here?

17 DR. GREVE: Yes, we do. We have two
18 versions of one. One is what we call Bailey
19 Alternative School, which has been created for
20 about eight or nine years, and the purpose of
21 that school primarily is to help students who
22 have not been successful in the traditional

1 high school setting.

2 They're not there because they've
3 been sentenced to it; they're not there because
4 they've done something wrong to get there; they
5 just haven't been successful and it's a chance
6 for them to have a much smaller atmosphere of a
7 lower pupil/teacher ratio. We have been very
8 successful and hundreds of students have
9 graduated through that program which probably
10 would not have graduated before.

11 The second one, in cooperation with
12 some community agencies, we call Solutions,
13 which is really the alternative for the
14 students who have been suspended long-term or
15 expelled. And again that's an option given to
16 families and to students if they find
17 themselves in that situation, that allows them
18 to continue to earn credit, continue to have
19 school services provided, but not in the
20 traditional school.

21 DR. ROBINSON: One question: What is
22 your personal assessment of your entry-level

1 salaries when compared to other areas of the
2 state?

3 DR. GREVE: Fortunately, that's one
4 of the key components of our academic plan
5 which we're looking at right now. We no longer
6 are even the best entry-level salary schedule
7 in southwest Missouri. We have five or six
8 districts, small districts around us that are
9 of a higher level salary. And when we've been
10 trying to recruit people, especially minorities
11 from the Kansas City/St. Louis areas, we're
12 running into absolutely no success because of
13 our salary schedules.

14 Over the past two years we have
15 increased salaries about a total of 7 percent,
16 a little over 7.1 percent, but we're still
17 under the state average, considering all size
18 districts, on starting salaries. And we're a
19 long way from the urban areas, the other urban
20 areas.

21 DR. ROBINSON: Do you know offhand
22 what that state average is?

1 DR. GREVE: I would really be
2 throwing out a figure here, but we're going to
3 be next year at about \$22,000, I believe, of a
4 beginning bachelor's, and I think the state
5 average would be closer to \$24,000, \$25,000,
6 something like that, beginning salary for a
7 bachelor's.

8 Again, a key component of our
9 academic plan is going to be to try to make
10 that close the difference along with a
11 cost-of-living necessity over the next several
12 years, because without that we're not going to
13 be able to recruit the brightest and best
14 people to have in front of our kids. And
15 that's what really makes the difference in
16 education.

17 MS. PERRY: I have one more. Do you
18 have school-to-work here?

19 DR. GREVE: We have procured a
20 regional school-work initiative through our
21 local junior college, OTC, which has a major
22 component for us. It has targeted our center

1 city area, Central High School and its feeder
2 schools, as its primary focus because that's
3 how it was written to do that. And then we've
4 also been able to get a local grant from the
5 state level this year to help us with it.

6 So yes, we're actively pursuing into
7 that. And that ties in with our one center
8 city high school, with the highest minority
9 population, encourages to go to the A Plus
10 grant, which I'm not sure if you're familiar
11 with that or not.

12 But at the state level, that was a
13 grant that helps us eliminate the general track
14 in high school, have all students meet rigorous
15 course standards, and provide a real key, a
16 tech/prep type of sequence, if you will, so
17 that you're leaving high school either prepared
18 to go on to college or prepared for a
19 meaningful high-skill, high-wage job.

20 And our Central High School got in on
21 the initial grant of that. So they've just
22 finished a three-year program, and now we'll

1 have a couple of other high schools starting
2 that. We've received some definite benefit
3 from that.

4 MR. JENKINS: Okay, I have a series
5 of questions for you.

6 With respect to recruitment of
7 minority teachers, you indicated that you were
8 working with a couple of the colleges here in
9 Springfield. One of the things I would
10 mention: Have you given any thought to working
11 with Lincoln University, which is a
12 historically black institution? What has been
13 the arrangement there?

14 DR. GREVE: Yes. We have recruited
15 at the historically black colleges and
16 universities in the state and in the Midwest,
17 too, but quite honestly we're not doing very
18 well there. We don't get people interested in
19 coming to Springfield when the same recruitment
20 is going on and we're offering \$22,000 to start
21 and other people are offering \$27,000 or
22 \$28,000 or more to start.

1 So we just -- really we have
2 prospects that last until the offers start
3 coming in, and then they're not taking them.

4 MR. JENKINS: What do you think you
5 would have to offer to bring more minorities
6 into Springfield, in your recruitment field?
7 Is there something about the city, something
8 about the school district? What's attractive
9 to white persons coming to Springfield and not
10 to minorities for the school district?

11 DR. GREVE: Well, we've been advised
12 by our Minority Affairs Committee that you
13 don't say, "Come to the Queen City of the
14 Ozarks," if you're trying to recruit
15 minorities. What we're trying to emphasize are
16 some of the cultural advantages in our town,
17 the university setting, the SMSU and some of
18 those issues that we try to emphasize.

19 But quite honestly, the very fact
20 that we have such a very low minority
21 population in town, as the Mayor has indicated,
22 is often a major turn-off for people of color

1 wanting to come into Springfield and be part of
2 it. Or if they come, after about a year or two
3 what we hear is, "Well, there's not enough
4 social activity or other activities for us
5 here. We just need to move on."

6 MR. JENKINS: In your recruiting
7 activities, when you talk to minorities or to
8 black persons in trying to entice them to come
9 to Springfield, did you ascertain from them
10 what's the turn-off? Why not Springfield? As
11 opposed to listing your general thoughts on why
12 not coming to Springfield, an exit interview
13 for persons on not getting a job?

14 DR. GREVE: I'm not sure we would
15 have any way of really saying -- I can't tell
16 you for sure if we've formalized that or not.
17 I do know, though, that usually the reasons
18 given, when offers are made and turned down, is
19 dollars. To get beyond that, I don't think
20 we've done a very good job probably of getting
21 to that.

22 Like I indicated, I know the NAACP

1 Executive Committee have offered to maybe go on
2 some trips with us where they can share some of
3 the things that they feel are advantageous to
4 living in Springfield to a minority. Hopefully
5 that might make some difference.

6 MR. JENKINS: You indicated that the
7 administrative staff for the school district
8 was undergoing minority sensitivity training.
9 What initiated that?

10 DR. GREVE: Well, we've had, I think,
11 groups in town raise the issues of, "What kind
12 of training have you had?" And when we were
13 saying, "Well, we've had a lot of training, but
14 it has all been voluntary," that didn't sound
15 very good even to us. So that's why this
16 particular year we're talking about mandatory.

17 MR. JENKINS: Is this something that
18 you instituted or did the school board, or how
19 did that come about?

20 DR. GREVE: Yes. Basically, I
21 indicated that this fall we would have
22 mandatory training, and so through our

1 professional development work we scheduled
2 that. We might add also an interesting
3 component dealing with Martin Luther King Day
4 for our calendar. In the past that has been
5 one where we just had no school, no activities,
6 treat Presidents Day the same.

7 And this year, working with the NAACP
8 and others, we've indicated could we use those
9 days for staff development, and then be able to
10 tie significant cultural training with our
11 staff on that day, taking advantage of the
12 community activities that are going on, as well
13 as whatever else we can supplement that with
14 and let teachers choose how they get that
15 training.

16 And that has been, I think,
17 positively received. We're looking at possibly
18 doing that not this coming year, but in the
19 future years.

20 MR. JENKINS: You indicated in your
21 presentation that you had worked with, I guess,
22 the Executive Committee of the NAACP concerning

1 some concerns that they had. Can you tell us
2 what some of the concerns that were brought to
3 your attention by the Executive Committee?

4 DR. GREVE: Yes, several. Student
5 achievement, student discipline issues, teacher
6 training sensitivity, responding to our
7 minority students. There were exhibitions.

8 MR. JENKINS: And you're working now
9 with the NAACP to resolve their concerns about
10 this, or what is the status?

11 DR. GREVE: I feel we are.

12 MR. JENKINS: We will probably hear
13 from the NAACP later on, but from your vantage
14 point, let me just ask a couple of more
15 questions.

16 What's your vision, the same as I
17 asked the Mayor, in race relations, not only in
18 the school district, but for the city of
19 Springfield? Because as a superintendent you
20 see a lot of persons all over and you're
21 involved with quite a few activities, I would
22 imagine. So what's your vision?

1 DR. GREVE: My vision is to see the
2 activities and the achievements of our students
3 and the general community as a whole to
4 become -- when you're looking at data you don't
5 see differences. It's colorblind. People are
6 achieving, people are growing, people are
7 gaining jobs, people are doing whatever they're
8 doing based on their abilities, based on their
9 expertise and what they have to offer rather
10 than any other physical factors. And I think
11 that's what we hope eventually we can do.

12 I wish we could say there's a magic
13 bullet out there, but I know some of you from
14 different major urban areas have seen a lot of
15 money spent in a lot of ways to try to improve
16 things like that. And there just isn't an easy
17 answer, but that doesn't mean you can't -- you
18 have to keep trying.

19 MR. JENKINS: Finally, has your
20 district been reviewed by the Office of Civil
21 Rights Department of Education?

22 DR. GREVE: Yes. Actually a couple

1 of years ago we took part in the very first
2 voluntary program in the Par reviews and were
3 contacted by them, "Would you be interested in
4 that?" We did, and I thought we had an
5 extremely valuable experience. I think they
6 felt so, too.

7 MR. JENKINS: Can you relate some of
8 the things that --

9 DR. GREVE: Yes. Basically what came
10 out of that was they reviewed our policies, all
11 of our policies. They reviewed all of our
12 disciplinary actions for two years. We had
13 stacks of printouts. And in there they made
14 significant recommendations, especially
15 regarding policies and where we thought we had
16 some fair and equitable and appropriate policy.

17 What they were implying was happening
18 and could happen was some of them were vague
19 enough that there was too much discretion being
20 exercised. So we rewrote our policy manuals,
21 most of our policies, and submitted them to
22 them for their review. And they basically have

1 had them sent back saying, "That's better," and
2 taken some of the discretion away, which is a
3 much more codified system.

4 Unfortunately, when you take
5 discretion away, you take discretion away to a
6 degree. And so there is also the down side of
7 that, perhaps -- and this was that first year
8 of those policies, and a couple that changed
9 with the Safe Schools Act with the State of
10 Missouri. And it has probably been a year
11 where we've had to scramble a little bit to see
12 exactly what those two issues are having on us.

13 And then hopefully this coming year
14 will be a more of a settling out to see are we
15 on the right track or do we need other changes.

16 MR. JENKINS: One final concern, and
17 I don't whether it's relevant here for
18 Springfield: In quite a few of the major
19 metropolitan areas and schools you have
20 within-school segregation: black kids eating
21 together in the cafeteria, the white kids
22 separate from them. The same thing in the

1 classroom itself. Have you noticed that in
2 Springfield?

3 DR. GREVE: I think there's certainly
4 some of that. If you walk into the student
5 center often you see a congregation of black
6 students congregated more. I mean, obviously
7 there are exceptions to that, and in fact
8 that's not maybe always the case by any means,
9 but there is that. That occurs.

10 MR. JENKINS: Is that a concern that
11 you have, and do you want to do anything about
12 that or try to?

13 DR. GREVE: Well, I worked on the
14 State (inaudible) Central Committee. And I
15 would just say that Al Burr, the president, who
16 was principal of one of the suburban St. Louis
17 schools when deseg took place up there, that
18 was one of his big concerns. And he saw it
19 happening and tried very hard through the North
20 Central School Improvement Process to make a
21 change and found it was very difficult. It
22 just didn't change very quickly.

1 So again, I think though the issue
2 there is one that when you get all of these
3 components we're talking about working better
4 that will break down, but it will probably
5 break down gradually. It probably won't break
6 down overnight.

7 DR. ROBINSON: Any other questions?

8 MR. HERNANDEZ: I have one question.
9 I saw your picture in the paper and one
10 instance of the State School Act, and I also
11 read some other news clips that had to do with
12 the high suspension and dropout rates at one of
13 the schools you mentioned. And I think in the
14 newspaper account there was also some concern
15 that maybe minority students and the biracial
16 students maybe were getting a higher number of
17 suspensions and dropouts.

18 Did you hear any mention in
19 relationship to this? Could you describe that?

20 DR. GREVE: Yeah. I think it's fair
21 to say that there is a proportional percentage
22 of that across the district, probably not just

1 at that school, but at that school in
2 particular. It happens to, again, be one of
3 the concentration of minority schools, Center
4 City Middle School and Central High School.

5 And the issue there is what we're
6 trying to ascertain and work with there is what
7 impact -- I mean, it was high suspensions
8 across the board in that school, minority and
9 white, and again, when we look at it case by
10 case by case of those suspensions, the issues
11 occur.

12 Now, are those administrators reading
13 that exactly the way other schools will read
14 that? That's the question, and it's a literal
15 interpretation of our policies, which we're
16 purposely resigned this year to take away some
17 discretion.

18 And so, what we see is across the
19 board a larger number of percentages for all
20 students who attend that school where it
21 happens to be a school where there's a higher
22 minority population. So it definitely impacts

1 that.

2 And we saw some improvement or
3 tapering of that data at the end of the year,
4 and we're certainly hoping with our training
5 and everything else that we're doing, we're
6 hoping that carries on and we see definite
7 improvement there.

8 MR. HERNANDEZ: Is there a high
9 number of out-of-school suspensions for
10 minorities across the district?

11 DR. GREVE: Percentage-wise.
12 Certainly not numbers, but percentage-wise
13 there are.

14 MR. HERNANDEZ: Is it across the
15 board or is it minority schools?

16 DR. GREVE: No, across the board.

17 DR. ROBINSON: Okay, Dr. Greve, thank
18 you very much.

19 DR. GREVE: Thank you.

20 DR. ROBINSON: I'm still on time
21 here. Our next participant is Mr. Hal Smith
22 from the Springfield Police Department, who

1 will be filling in for Chief Lynn Rowe.

2 Captain, I'm sorry, Capt. Hal Smith.

3 CAPT. SMITH: I understand most of
4 you folks are volunteers for that?

5 DR. ROBINSON: Some of us are paid, a
6 combination of paid staff here, but the
7 advisory committee are all volunteers.

8 CAPT. SMITH: I want to compliment
9 you folks on that. It always impresses me when
10 people see an issue that needs to be worked on
11 and actually do something about it. I'm really
12 impressed with that.

13 My name is Hal Smith. I serve as a
14 captain in the Springfield Police Department.
15 And I'm here to be a representative for the
16 hearing today. Lynn Rowe sends his regrets.
17 He had a longstanding commitment to be out a
18 week and he couldn't work around it, although
19 he certainly wanted to be here.

20 I'm one of the four division
21 commanders that work directly for the Chief of
22 Police. I manage the Services Division and

1 that encompasses a number of things that I
2 think would be of focus for this hearing.

3 One of my responsibilities is that I
4 co-manage our recruiting and hiring process for
5 the Police Department. Another is that I have
6 divisional responsibility for internal affairs.
7 That's our internal/external complaint
8 resolution mechanism. And I also have
9 divisional responsibilities to the Police
10 Academy.

11 I would like to start by welcoming
12 you all to the Ozarks. We're genuinely glad
13 you've come down. I had a seat by the air
14 conditioner so I didn't get to hear a lot of
15 what the Mayor said, so hopefully I won't be
16 redundant for you.

17 Springfield is the largest city in
18 Ozark mountain country. We have a population
19 of about 296,000. We sit almost in the hub of
20 three different counties, so our (inaudible)
21 would stretch out quite a little bit.

22 The city itself has about 150,000

1 people in it. Our industries are light
2 manufacturing, retail sales, tourism and higher
3 education. We've got six colleges and
4 universities inside the city limits. One of
5 them -- speak up, okay. One is a brand new
6 technical college that we're really proud of.

7 Ethnically and racially we're not a
8 tremendously diverse community. We're
9 primarily white, we've got approximately 2 1/2
10 percent of our citizens that are black, and
11 we've got about 1 percent Hispanic population.

12 We've got a relatively low crime
13 rate. We, compared to 20 cities in the middle
14 west, and out of those 20 cities we're number
15 eight in terms of overall crime index and right
16 now we're 11 in terms of violent crime. And
17 that's something we work very hard at.

18 To give you an example, in 1996 we
19 had four homicides in Springfield, which
20 probably sounds like a Saturday night to you
21 folks from St. Louis and Kansas City. We had
22 four, and we solved all four of them, so we're

1 batting 1,000. We did the same thing in the
2 previous year in '95.

3 Like most cities our size, we
4 experienced about a 5 percent reduction in
5 crime over 1996.

6 The Springfield Police Department
7 provides police services only within the city
8 limits. We're staffed with 334 people. Of
9 that number, 261 are sworn in and 73 are
10 civilian staff, and we travel very lightly in
11 terms of administration. Almost all of our
12 folks are committed to front-end service
13 delivery to the community.

14 We are actively involved in community
15 affairs organizations, I did hear that the
16 Mayor alluded to that. We have a heavy
17 involvement in Violence-Free Families that
18 deals with domestic violence, and Ozark is
19 Fighting Back, which deals with a gang problem
20 we have in Springfield.

21 I would also like to note that we are
22 a candidate for international accreditation

1 this year to an organization called Colea
2 (phonetic). We go for final assessment of that
3 in September. That will place us, I think in
4 terms of standards, in the top 2 percent of the
5 police departments in the nation.

6 I would like to focus on just a
7 couple of areas that I think are going to be of
8 interest to you. First is our minority
9 recruiting efforts, and the second is our
10 criminal complaint procedures.

11 In terms of recruiting, traditionally
12 we've done minority recruiting for the Police
13 Department by site visits to universities with
14 a high minority population, making our
15 recruiting efforts known in terms of timing to
16 minority organizations in town, and advertising
17 in newspapers that have minority readership.
18 It has not yielded the results that we wanted.

19 Last year I took over the division,
20 took over that responsibility. I looked to
21 what we were doing and it was a good deal of
22 effort, but it wasn't working.

1 I've changed the focus just a bit.
2 We're going to continue doing what we've been
3 doing, but we're adding a couple of things to
4 that. One of the things we're doing is we're
5 hitting hard on the military installations,
6 particularly the military installations with
7 large military police companies. That being
8 Fort Leonard Wood, that's a basic training
9 school for MPs, and Whitman Air Force Base. By
10 definition they'll hit our threshold standards
11 when they're mustering out of the military.

12 I also took a look at where we were
13 focusing, which was primarily St. Louis and
14 Kansas City, and that wasn't working and I
15 understand now why. I talked to some of the
16 minority officers here, chit-chatted about
17 that. We could see pretty clearly why it
18 wasn't working.

19 So what we're doing now is we're
20 laying the groundwork for relations with some
21 of these smaller junior colleges in rural areas
22 in Missouri and northern Arkansas. I think

1 that we're going to do well out of that area.

2 The reason I say that is because you
3 have a -- when you talk to a young black man in
4 Kansas City he has to give up a lot to come to
5 Springfield, culturally, okay? Money-wise he's
6 got to give up a little bit, not too much, but
7 a little bit to join our Police Department. So
8 when you talk to a guy, for instance, who is
9 graduating from a junior college from Harrison,
10 Arkansas, a good job in Harrison, Arkansas
11 might be night manager at Hardee's at 18 grand
12 a year. I can offer that guy a lot.

13 We've been to four junior colleges in
14 northern Arkansas and have also gone down to
15 Little Rock, there's a university down there.
16 Little Rock doesn't pay like we do. There is a
17 university down there just north of Little Rock
18 with a high minority component. And I sent an
19 officer down there, just kind of a "Hi, how are
20 you," get to know you type thing and also hand
21 out some brochures.

22 We plan on opening our recruiting

1 process in September.

2 The other thing that we're doing is
3 we looked at the resources we had, and one of
4 them was our internship programs. This year I
5 did the hiring for our interns. Those are
6 part-time students, juniors and seniors of
7 criminal justice programs that work part-time
8 at the Police Department.

9 This year, out of 11 interns we've
10 had seven women and two black people in the
11 program. What I want to do is I want to get
12 them into the department, particularly with
13 black interns, and I want them talking to black
14 officers. I want them to get to know the
15 officers on a first-name basis and look at the
16 police work from the inside out, looking out
17 from the other side of the windshield in the
18 patrol cars. I think hopefully that's going to
19 pay off over time. Maybe with these two, maybe
20 not, but over time. I think that's one
21 strategy.

22 In terms of our complaint process,

1 what we do, we're kind of like Burger King.

2 You really do get it your way down there. We
3 accept complaints from inside the department or
4 outside the department; we take them on a
5 first-party basis, second-party basis; we take
6 them anonymously; we take them by letter, in
7 person, by phone, and when we get our computer
8 system straightened up we'll probably take them
9 over the Internet.

10 We divide our complaints in two
11 classifications, Class 1's and Class 2's.
12 Class 1's are the most serious ones, and those
13 are investigated by internal affairs
14 investigators. Those are full-time
15 investigators and they're a little bit more
16 detached from the day-to-day front-end trench
17 work that the field supervisors do. The Class
18 2's are the more minor complaints and those are
19 generally handled by department supervisors.

20 Our complaint process, we formalize
21 it so complaints just can't lay around and go
22 away. They have timetables and targets and so

1 forth like that.

2 On receipt of a complaint, unless
3 there's a reason not to like ongoing criminal
4 activity, something like that, we notify the
5 employee, we let him know up front that a
6 complaint has been made against him. Then we
7 conduct the investigation and that simply goes
8 with the investigation (inaudible).

9 We benchmark them, we benchmark the
10 Class 1's to 45 days. In other words, we try
11 to complete that investigation in a month and a
12 half. If we can't do that, and sometimes the
13 nature of the complaint doesn't lend itself to
14 that, what we do is we have to generate a
15 letter to the Chief of Police telling him why
16 we haven't finished that thing up. And he
17 monitors that very closely on the ones that are
18 in arrears.

19 On completion, it's forwarded up to
20 the Committee for Disciplinary Recommendations
21 and they have to be classified, they don't go
22 away. They have to be sustained or they have

1 to be marked "Not Sustained, Unfounded,
2 Exonerated," or in some cases "Policy Failure."

3 We just recognize we're not a perfect
4 organization, and sometimes our policies just
5 didn't cover something or they caused an
6 officer to do something where there was a
7 problem in order to comply with policy, and
8 sometimes that needs to be changed.

9 In terms of race relations, if I was
10 to paint a relationship with the minority
11 communities in Springfield with a broad brush,
12 that characterizes as good. We attempt to deal
13 with individuals as individuals on a daily
14 basis, and our usual conduit for dealing with
15 common concerns in black communities is the
16 NAACP. It's kind of a common force.

17 And that relationship with the NAACP
18 I would characterize as usually cordial. Once
19 in awhile it gets a little bit testy, but I
20 think it's always straightforward in terms of
21 credibility. The Executive Board of the NAACP
22 has always been real good about never letting

1 us wonder what they think. They'll come in,
2 they'll tell us what they think, and if it
3 makes sense to us sometimes we change,
4 sometimes we don't. Sometimes we simply
5 explain why we do what we do.

6 That's a healthy relationship. I
7 think that that situation is constructive and I
8 think it's satisfactory to the black community.
9 Because I think that my perception is they want
10 to be able to voice their concerns, when they
11 have them.

12 And beyond that, I think what the
13 black community wants is what the white
14 community wants. They want to do their jobs.
15 They want to raise their kids, and they want to
16 get on with their lives.

17 I think that when an issue of major
18 concern arises in Springfield, where it's a
19 major concern to the black community, I think
20 that we hear about it about the same time the
21 NAACP does. What I mean by an "issue of major
22 concern" is, for instance, crack cocaine. We

1 don't have to wait for anybody to tell us about
2 that. We've heard about it real quick. Also
3 the ethnic gangs in Springfield, and I think
4 we're effectively dealing with both of those
5 concerns.

6 In closing, I would just like to add
7 that I think we can be an asset to any
8 discussion on race relations in Springfield.

9 Thank you.

10 DR. ROBINSON: Thank you.

11 I would like to comment that I'm
12 affiliated -- I work at a university and my
13 area of specialty is criminology and criminal
14 justice, and don't feel like you're on an
15 island all alone. Recruitment in law
16 enforcement particularly is very tough, and law
17 enforcement agencies throughout the State of
18 Missouri are experiencing similar difficulties.

19 I just completed a study for the
20 Governor's Task Force on the status of that in
21 the State of Missouri, particularly in the
22 criminal justice system. And only one police

1 department is up to snuff in terms of parallels
2 in population in the black community and black
3 officers on the police department, and that's
4 St. Louis City. The others are like you: They
5 are struggling and doing a number of types of
6 things to try to enhance their efforts in that
7 area.

8 I wanted to ask you, however: What
9 do you see as some of your specific problems in
10 terms of minority recruitment as it relates
11 specifically to Springfield, Missouri?

12 CAPT. SMITH: I think that the
13 cultural base here is the problem, and I think
14 that was the problem with recruiting in
15 St. Louis and Kansas City. You talk to young
16 black people in St. Louis and Kansas City and
17 talk about Springfield and they go, "Why?"

18 You don't find a lot of black people
19 moving to Springfield. A lot of our minority
20 population are people who were born and raised
21 here. Whether they come back for a reason, for
22 instance, they've got parents here or something

1 like that, there's some roots that call them
2 back. It's not someplace that minority people
3 come.

4 I think it's a lack of cultural
5 opportunities, and that's not being critical.
6 I mean, the population is only 2 1/2 percent,
7 so you're not going to have a lot of those
8 opportunities that you do in St. Louis and
9 Kansas City.

10 For instance, if you're a 24-year-old
11 black guy that just got out of college, you
12 could probably meet all of the eligible black
13 women in Springfield in 20 minutes.

14 DR. ROBINSON: The Mayor indicated
15 you have four African American officers?

16 CAPT. SMITH: Right.

17 DR. ROBINSON: What's the tenure for
18 these officers in terms of years of service?

19 CAPT. SMITH: They range all the way
20 from 15 years down to about six.

21 DR. ROBINSON: What's the highest
22 rank for an officer?

1 CAPT. SMITH: The highest ranking
2 black officer we have is a corporal. He's one
3 of our internal affairs investigators.

4 DR. ROBINSON: In terms of -- okay.

5 MS. THOMPSON: How long is the
6 longest tenure of one of those four officers?

7 CAPT. SMITH: The longest tenure?

8 MS. THOMPSON: Yes.

9 CAPT. SMITH: Fifteen years.

10 MR. JENKINS: In terms of your
11 internal complaint process, on the average how
12 many complaints do you get per year in Class 1,
13 and then Class 2?

14 CAPT. SMITH: I've got that figure
15 here. I can be exact here. (Inaudible)

16 MR. JENKINS: On the average number.

17 CAPT. SMITH: Okay, I would say 65 a
18 year, something like that.

19 MR. JENKINS: Do you keep that figure
20 broken down by race of the complainants?

21 CAPT. SMITH: Yes, we do.

22 MR. JENKINS: If you don't have it

1 handy, could you provide that information to us
2 in detail?

3 CAPT. SMITH: Sure.

4 DR. ROBINSON: I need to back up for
5 one minute. Is 15 years of service pretty
6 typical for an individual to hold the rank of
7 corporal? Is that an exceptional situation?
8 What's the average for promotion to corporal
9 and above in terms of years of service?

10 CAPT. SMITH: You'll find that a lot
11 of our mid-level supervisors are promoted early
12 in their careers, but we travel very light in
13 supervision. As you move upward, we're typical
14 here.

15 For instance, we've only got four
16 captains and only six lieutenants in the entire
17 Police Department of 334 people. And at those
18 ranks, the promotions are few and far between.
19 Those are career people, so you don't get much
20 movement. The same thing with sergeants. So
21 the sharp person can move to corporal very
22 quickly, but from then on in it gets extremely

1 competitive.

2 DR. ROBINSON: Do you have a number
3 of corporals that have 10 years of service or
4 more?

5 CAPT. SMITH: Yes.

6 DR. ROBINSON: Okay. Any other
7 questions? Okay, thank you.

8 CAPT. SMITH: Thank you.

9 DR. ROBINSON: Our next participant
10 is Mr. John Halverson. He's the director for
11 the Office for Civil Rights, Health & Human
12 Services up in Kansas City, Missouri.

13 MR. HALVERSON: Thank you very much
14 for the opportunity to attend this forum and
15 speak with you today about the -- I can barely
16 talk, I have such a cold -- to speak to you
17 briefly about the Department of Health & Human
18 Services Office for Civil Rights.

19 OCR has the important job of ensuring
20 that HHS funds are spent without
21 discrimination. To do this we enforce several
22 civil rights laws to a comprehensive program of

1 individual complaint investigations, compliance
2 reviews, technical assistance and monitoring to
3 ensure continued compliance.

4 If you are eligible for health care,
5 public assistance or other social services, you
6 can't be denied these benefits because of your
7 race, color, national origin, disability or,
8 under HHS block grant programs, sex and
9 religion.

10 If you meet the program eligibility
11 requirements, you have the right to participate
12 in health care services such as prenatal care,
13 hospital inpatient care, care from migrant
14 health centers, and long-term care and social
15 services such as senior citizens activities and
16 youth services, as well as any other program,
17 service or benefit that receives Federal
18 financial assistance from HHS.

19 We enforce the community service
20 assurance under the Hill-Burton Act. This law
21 provided federal funds for hospitals and, to a
22 lesser extent, nursing home instruction.

1 The community service assurance under
2 Title VI of the Public Health Service Act
3 requires that recipient entities that receive
4 Hill-Burton funds must make services provided
5 by the facilities available to persons residing
6 in the facilities service area without
7 discrimination on the basis of race, color,
8 national origin, creed or any other ground
9 unrelated to the individual's need for the
10 service or the availability of a needed service
11 in the facilities area.

12 In the case of facilities, under the
13 other Hill-Burton Act, which is Title XVI of
14 the Public Service Act, the requirements are
15 not just for people who live in the service
16 area but who also work in the service area,
17 they must receive services.

18 What that really means is that
19 hospitals that receive Hill-Burton funds must
20 ensure that patients are not transferred to
21 other hospitals without being made stable in
22 the emergency room, patients in labor may not

1 be turned away from these hospitals, and these
2 facilities must accept Medicare and Medicaid.
3 If patients have no way to pay the facilities
4 they must try to work out a means of payment
5 for patients, again, who have no insurance.

6 Other statutes we enforce include
7 Title VI of the Civil Rights Act of 1964, which
8 bans discrimination on the basis of race, color
9 or national origin; Section 504 of the
10 Rehabilitation Act 1973; the Age Discrimination
11 Act of provisions of 1975, that is age
12 discrimination not based on employment but on
13 the receipt of services; provisions on the
14 Omnibus Budget Reconciliation Act of 1981,
15 requiring nondiscrimination in block grant
16 programs administered by the HHS.

17 There are approximately 230,000
18 recipients of Federal HHS funds in the country.
19 So you can see we have an awful big job.

20 Effective on January 26, 1992, the
21 Office for Civil Rights commenced enforcement
22 of Title II of the Americans With Disabilities

1 Act, which prohibits discrimination by state
2 and local government entities on the basis of
3 disability. The regulation implementing this
4 title is modeled on the Section 504 regulation.

5 Although the U.S. Department of
6 Justice has primary responsibility for
7 enforcing Title II, eight designated
8 departments including HHS have authority over
9 portions of state and local government
10 activities. Specifically, OCR has authority to
11 investigate complaints of discrimination
12 against state and local entities involving
13 health or human services functions. This
14 includes also medical or other health-related
15 schools operated by state governments; it also
16 includes preschool and day care programs.

17 Under the ADA, covered entities do
18 not necessarily need to receive HHS funds for
19 OCR to have jurisdiction. Our newest
20 responsibility is to enforce the Metsingbalm
21 (phonetic) Multi-Ethnic Placement Act, now
22 amended to the Inter-Ethnic Placement Act.

1 OCR implements these civil rights
2 statutes through a broad-scale compliance
3 program. This compliance program is made up of
4 six basic investigative activities: One,
5 complaints; two, limited scope compliance
6 reviews; three, full scope compliance reviews;
7 four, investigations; five, monitoring; and
8 six, technical assistance.

9 Complaints are written allegations of
10 discrimination based on the race, color,
11 national origin, sex, age, creed, physical or
12 mental disability and filed against recipients
13 of Federal financial assistance, except in the
14 area of Title II of the ADA. Complaints of
15 discrimination based on religion and sex can
16 also be filed, but these are only filed under
17 certain of the block grants clause that OCR
18 enforces.

19 We have a simple complaint form to
20 use when you file a complaint. And I brought
21 some samples for people to have if you want
22 them. We need facts on the specific act of

1 discrimination that you allege took place, when
2 did it happen, who was discriminated against,
3 and who or what organization did the
4 discriminating. Finally, we need to know the
5 basis of your allegation, race, color, national
6 origin, disability and so on.

7 Limited scope compliance reviews are
8 compliance reviews that focus only on an HHS
9 recipient's compliance with one civil rights
10 law and issue. If data collected suggests a
11 possible violation, we open up a more extensive
12 and detailed investigation.

13 We have looked at nursing home
14 practices with regard to the admission of
15 persons with infectious diseases, the alleged
16 practice of medical redlining. There are
17 agencies such as home health providers who may
18 choose to not provide services in certain
19 minority neighborhoods. We've looked at
20 provisions for services to persons with limited
21 English deficiencies in hospitals and in
22 emergency rooms in particular, and we've looked

1 at the extent to which Hill-Burton hospitals
2 treat minority patients.

3 We have this year concluded
4 compliance reviews of three area agencies on
5 aging in southern Missouri, one being the
6 agency in Springfield. And we conclude that
7 they treat minority clients appropriately and
8 have provisions to provide services to persons
9 with limited English proficiency.

10 OCR selects issues for review with
11 regard to limited scope reviews, so it's a
12 proactive program. Full scope compliance
13 reviews look at the major providers of service
14 and examine them from several points of view of
15 statutes and civil rights issues.

16 Pre-grant clearance reviews are
17 conducted by the Office in order to assess the
18 civil rights status of all health care
19 facilities that apply for certification as
20 Medicare Part A providers. These are
21 procedural reviews conducted by letter and
22 telephone. They require all recipients of

1 Medicare Part A participate.

2 And one of the great benefits of
3 these reviews is that it forces all nursing
4 homes, hospitals, home health care agencies,
5 any organization wishing to participate in
6 Medicare to contact us and to actively discuss
7 civil rights, to conduct certain kinds of
8 in-house compliance and give us the results.

9 So we look at these as a means of
10 providing technical assistance, also. By the
11 time they have completed our requirements they
12 usually are in touch with OCR and we know them,
13 and it's a very helpful process.

14 We also conduct a technical
15 assistance program to ensure beneficiaries and
16 recipients are aware of civil rights compliance
17 responsibilities. If we find a violation and
18 we cannot negotiate a settlement, we may refer
19 the case to the Department of Justice for
20 enforcement, but the reality is we negotiate
21 out almost every case.

22 In 1995, OCR developed a strategic

1 plan discussing how we would use our scarce
2 resources during the next several years:
3 Issues related to the delivery of health and
4 social services to minorities. Issues related
5 to the access and delivery of services to
6 persons with limited English proficiency. We
7 want to look at access and delivery of services
8 to persons with HIV disease. And we want to
9 look at the area of medical redlining.

10 These are some of our major areas
11 we're concentrating our efforts on -- also the
12 new area of managed care with regard to
13 Medicare and Medicaid recipients is listed in
14 the strategic plan. These are all considered
15 major national issues and we are going to
16 concentrate our resources in these areas. We
17 have just added welfare reform as a new major
18 issue for concentrating our resources.

19 A new case resolution manual was
20 adopted last year and that allows -- or two
21 years ago -- that allows us to triage our new
22 complaints in order to concentrate our

1 resources on those complaints most likely to
2 lead to change. This also allows us to quickly
3 close complaints where it becomes clear there
4 is no discrimination and to use our resources
5 to work on the more difficult complaints and
6 the complaints where there seems to be a good
7 reason for cause.

8 This manual has also allowed us to
9 take advantage more of mediation and other
10 innovative means for early solving of cases.
11 And to that end, last month I was able to have
12 training provided to my entire staff, so
13 everybody on staff now is a certified mediator.

14 Again, what we're trying to do with
15 the strategic plan is to concentrate our
16 resources in those areas where we think the
17 biggest need is, and to move away from areas
18 where we think there's less need. Also it
19 means we should over time free up more
20 resources for technical assistance. Let's see,
21 I have a couple of minutes.

22 Finally, I took a look at my database

1 at the kind of complaints we've been seeing
2 over the past few years in this area, and in
3 southern Missouri we've seen some Hill-Burton
4 complaints where it's alleged there has been
5 patient dumping; that is, patients have been
6 moved from one hospital to another without
7 being medically stable, or the hospital didn't
8 follow the recognized procedures to ensure that
9 there was no medical risk.

10 And usually we find that when you get
11 into a case there is some other reason. So we
12 really haven't found that many violations of
13 that.

14 For years it was alleged that in this
15 part of the country there weren't obstetricians
16 who would accept Medicaid patients, and so
17 there was a shortage of those. We looked at
18 that some and found that it wasn't a problem,
19 but we still think there are problems in this
20 part of the Missouri, southern Missouri, and
21 hope to put some more resources down here in
22 the future.

1 DR. ROBINSON: Thank you very much,
2 Mr. Halverson.

3 MS. THOMPSON: I have a question.

4 DR. ROBINSON: Yes.

5 MS. THOMPSON: (Inaudible) with the
6 issues of managed care; who is doing the
7 regulation of Hill-Burton issues with those
8 people?

9 MR. HALVERSON: Well, the Hill-Burton
10 one has two relevant sections, and one is the
11 20-year uncompensated care provision. And
12 those have mostly run out, but when they still
13 exist the Public Health Service monitors that,
14 and with regard to community services it's
15 still OCR.

16 DR. ROBINSON: If you know of some
17 issues relating these two, please let me know
18 because we're now developing sets of issues so
19 we can begin to conduct compliance reviews.

20 MS. THOMPSON: Well, accompanying
21 that, what about the HMOs that are part -- you
22 had a phrase for that where they pass people

1 on, possibly without stabilizing.

2 MR. HALVERSON: Those are hospital
3 emergency rooms (inaudible) HMOs.

4 MS. THOMPSON: No, HMOs have to give
5 permission for people to have emergency care at
6 a hospital that is not part of their --

7 MR. HALVERSON: Right.

8 MS. THOMPSON: Okay. So how is that
9 regulated, that the HMO is not giving people
10 orders to go to one of their hospitals without
11 being stabilized?

12 MR. HALVERSON: If someone appears at
13 an emergency room, no matter what the hospital
14 is, if that's a Hill-Burton hospital, they have
15 an obligation to stabilize the person no matter
16 what the method of payment may or may not be.

17 MS. THOMPSON: Who is regulating
18 that?

19 MR. HALVERSON: We regulate that.

20 MS. THOMPSON: Okay. Thank you.

21 DR. ROBINSON: I wanted to take a few
22 minutes. We all introduced ourselves, I would

1 like to introduce Dr. Cora Thompson from Kansas
2 City.

3 MS. THOMPSON: From Parkville.

4 DR. ROBINSON: Parkville, I'm sorry.
5 We have Kansas City here. Parkville, Missouri,
6 just outside of Kansas City, who is a member of
7 the Advisory Committee.

8 MS. THOMPSON: Thank you.

9 DR. ROBINSON: Any other questions?

10 MS. PERRY: I have a question. Sir,
11 why did you add welfare reform? Have you
12 already gotten complaints on that?

13 MR. HALVERSON: We haven't. I
14 understand that there's one complaint around
15 the country, and we were adding it because it's
16 such a big area of issue of interest we need to
17 use resources to keep in touch with what's
18 going on and to research possible problems.

19 MS. PERRY: That's right. You need
20 to.

21 MR. HALVERSON: There's a whole list,
22 for example, of possible Section 504 or ADA

1 issues that arise and there may be some Title
2 VI ones, also. It's very early, but we're just
3 wanting to make sure that we're abreast of
4 what's going on in case there are complaints.

5 MR. JENKINS: John, will you take a
6 minute and describe for us medical redlining?

7 MR. HALVERSON: Yes. Medical
8 redlining has not -- we have not found the
9 problem here. We've conducted maybe 15 to 20
10 limited scope compliance reviews in this region
11 and found no problem.

12 What it appears to be is where
13 usually a home health agency or other agency
14 that goes into the home to provide care will
15 set up areas where they will say it's too
16 dangerous, is usually how it's put, for their
17 staff to go into.

18 The complaints where it was a real
19 problem were in New England, and at one time
20 someone filed two complaints with OCR in Boston
21 and the whole area came out of the blue, it was
22 just new, and they were found to be violations

1 where the home health agencies had set up zones
2 in cities that they wouldn't allow their people
3 to practice in.

4 MS. THOMPSON: It sounds like they
5 consulted with Pizza Hut.

6 MR. HALVERSON: They probably owned
7 it.

8 DR. ROBINSON: Any other questions?

9 MS. THOMPSON: I'll behave.

10 DR. ROBINSON: Thank you,
11 Mr. Halverson.

12 MR. HALVERSON: Thank you.

13 MR. JENKINS: Thank you, John.

14 DR. ROBINSON: Our next participant
15 is Ms. Angela Bennett, director of the Office
16 for Civil Rights, the U.S. Department of
17 Education.

18 MS. BENNETT: I, like John, have a
19 cold. So therefore, I'm trying to make sure
20 that everything comes out okay.

21 I'm pleased to be here this evening
22 in this great part of the Springfield

1 community, as my grandmother lived here about
2 six years and I visited the community quite
3 often during that period of time. And so in
4 one sense, this is like coming to a second
5 home.

6 I am the new director at the Office
7 for Civil Rights, Department of Education. I
8 have been in my position since March 17 of this
9 year, but in order to assist me if I have any
10 difficult questions, or in order to bolster my
11 presentation, I have with me our chief
12 attorney, David Alene -- David, raise your
13 hand -- as well as one of our senior
14 investigators, Phyllis Donahue.

15 And we have some other work here
16 tomorrow that we will be doing in the
17 Springfield community. That's another reason
18 for the three of us.

19 Commission of the Office for Civil
20 Rights for the Department of Education is to
21 ensure an equal access to education.
22 Throughout the nation we have 12 offices and we

1 have restructured, it used to be called regions
2 but now we're in divisions, so those 12 offices
3 are now within four divisions, and of course we
4 have our headquarters office.

5 The Kansas City office is in charge
6 of pursuing equal access within the states of
7 Iowa, Kansas, Nebraska, Missouri and South and
8 North Dakota. We used to have Kentucky, but
9 they traded Kentucky for South and North
10 Dakota. Why, I don't know. Go figure that
11 one.

12 We're in charge of enforcing the
13 civil rights statutes which prohibit
14 discrimination based upon race, color, national
15 origin, sex, disability and age, and these are
16 activities that we pursue just like John's
17 office for entities that receive Federal
18 funding. So therefore, any public entity, any
19 public library, museums, et cetera, et cetera,
20 that receive Federal funding, we are in charge
21 of those civil rights activities.

22 Our specific laws are Title VI of the

1 Civil Rights Act of 1964, which covers race,
2 color and national origin; Title IX which is
3 sex discrimination; Section 504, which is
4 disabilities; Title II of the Americans for
5 Disabilities Act, which prohibits
6 discrimination based upon disability by public
7 entities including public school districts,
8 public colleges and universities, public
9 vocational schools as far as museums and
10 libraries.

11 We also cover age discrimination but
12 not in the area of employment.

13 In applying these statutes on behalf
14 of the Department of Education, we cover almost
15 15,000 school districts nationwide, more than
16 3,600 colleges and universities, about 2,000
17 proprietary organizations, and thousands of
18 libraries, museums and vocational schools. And
19 this covers 51.7 million elementary and
20 secondary students as well as 14.4 million
21 college and university students.

22 In certain situations we also do some

1 areas within employment, but that is very
2 limited. The Equal Opportunity Employment
3 Commission covers the employment areas.

4 In carrying out our responsibilities
5 we accept complaints from individuals who
6 either allege discrimination or persons or
7 organizations who file complaints on behalf of
8 persons who allege discrimination or persons
9 who allege they are victims of discrimination.

10 In these complaint procedures we have
11 several different tools. We have the early
12 complaint resolution, we also enter into
13 agreements for corrective action, and we also
14 do enforcement. It must be noted that we are
15 supposed to be neutral parties. We're not an
16 advocate for the recipients, nor are we an
17 advocate for the students themselves. We are
18 there to ensure the equal access for both
19 sides.

20 When we get a complaint, the first
21 thing we have to do is consider whether or not
22 resolution of that complaint is appropriate.

1 So we spend normally about a 30-day period of
2 time and hopefully sometimes a shorter period
3 of time in evaluating that complaint. After
4 that we notify the complainant through a letter
5 of evaluation as to what our decision is.

6 Now, an evaluation goes through
7 several different processes. We look to see
8 whether or not we have jurisdiction under Civil
9 Rights Act that we have jurisdiction under. We
10 also see whether or not those complaints are
11 timely filed, that's within 180 days of the
12 discriminatory act, the allegedly
13 discriminatory act, or if there's a continuing
14 allegation of discrimination that can also be
15 taken into effect.

16 If a person or entity misses the
17 180-day cutoff, they may know or they may not
18 know about the organization, there are
19 mechanisms by which we can waive that 180 days,
20 but there are pretty stringent waiver
21 provisions that we have.

22 Another evaluation we go through is

1 whether or not another agency has reached a
2 binding decision on this alleged
3 discrimination. And if that has already been
4 taken care of by another agency, then we would
5 not go forward with the resolution.

6 We also would need to see whether or
7 not the person or entity which filed the
8 complaint is cooperative in giving us
9 information that we need. We send out a
10 consent form to the individual who filed the
11 complaint and require that that form be sent to
12 us within 30 days, although if it is not sent
13 back to us within 30 days, we write them or
14 give them a call, if we have their telephone
15 number, so that we don't close them out just
16 because they did not meet that 30-day cutoff.

17 During our early complaint
18 resolution, if the recipient and the
19 complainant are in agreement to have the
20 complaint resolved, then OCR will facilitate an
21 agreement or a resolution to that complaint.
22 Now, in that facilitation we don't mediate, we

1 don't sign the agreement, we don't approve the
2 agreement, nor do we endorse the agreement
3 that's entered into. However, we will provide
4 legal assistance and we will provide the
5 opportunity to discuss possible remedies that
6 the two, the complainant and the recipient can
7 look into.

8 Under the ECR agreements we do no
9 monitoring, so we do not go back to see whether
10 that agreement has been followed through on.
11 However, if the complainant feels that the
12 agreement has not been honored by the
13 recipient, they can come back and file another
14 complaint with us. So they are not closed out
15 just because they've gone through early
16 complaint resolution.

17 If we don't go through with ECR,
18 that's early complaint resolution, after an
19 investigation has determined that we
20 investigated the complaint to the point we can
21 have a resolution, then we may enter into a
22 corrective action agreement to resolve the

1 complaint. Now, those agreements, because we
2 are part of those agreements and we are a party
3 to those agreements, those agreements are
4 monitored for the length of time that's
5 designated within that agreement.

6 Other ways the complaint is resolved
7 is, again, if another agency has resolved that
8 complaint to OCR standards, if there's
9 insufficient evidence to show any type of
10 violation, then that complaint is resolved
11 (inaudible), as well as if the complainant
12 decides for whatever reason to withdraw the
13 complaint, then that complaint is considered to
14 be resolved. And also, if we receive
15 information that the complaint has been
16 resolved, then that complaint file will be
17 closed.

18 Now, if the recipient has violated
19 one or more of the statutes and has refused to
20 come into compliance, then we can issue what's
21 called a letter of findings. Now, even though
22 we issue a letter of findings for these

1 violations, we will still again try to make
2 sure or try to engage the recipient in trying
3 to resolve the issue. The recipient still does
4 not (inaudible), unable to do so, unwilling to
5 do so, we will proceed either to initiate
6 administrative procedure or we can refer the
7 case to the Department of Justice.

8 During that time we can also move to
9 defer any new or additional Federal assistance
10 or begin administrative enforcement proceedings
11 to terminate assistance.

12 Now, sometimes when we go out we talk
13 about terminating funding. That's not our
14 purpose. Our purpose is the equal access and
15 our purpose is for the recipients to come into
16 compliance. So the very last thing we can do
17 would be to withdraw funds, but that is an
18 option, but that's an option that is rarely if
19 ever pursued.

20 If a conclusion of a complaint
21 resolution or the complainant does not agree
22 with us, they do not agree with the findings of

1 our investigators, then that complainant can
2 recontact the investigator either in writing or
3 by phone and offer specific reasons why they
4 think that that complaint was not handled
5 sufficiently. If they're not satisfied with
6 what the exception is, either verbally or in
7 writing, then that's when it comes to my office
8 and I will do an evaluation on whether that
9 complaint has been resolved effectively.

10 I would like to give you some
11 examples of what OCR nationally has done in
12 1996. I say 1996, because the fiscal year for
13 the Federal Government is September 30, we
14 don't have all of the 1997 numbers. But in
15 1996 OCR received 4,828 discrimination
16 complaints on a national basis.

17 868 of those were Title VI complaints
18 and those issues that we related under the
19 Title VI were, these are just examples,
20 discriminatory practices, discriminatory
21 discipline practices, discriminatory student
22 assignment policies, racial harassment, and

1. discriminatory academic grading policies.

2. Also in 1996, we had 361 complaints
3. alleging sexual discrimination and violation of
4. Title IX. Some of those complaints included
5. denial of equal opportunity and interscholastic
6. or intercollegiate athletics, discriminatory
7. treatment of pregnant students, and sexual
8. harassment.

9. The majority of our complaints we do
10. a comparison of the various statutes come under
11. Section 504 and Title II of the ADA. That
12. total in 1996 was 2,533, and some examples of
13. those types of complaints that were resolved
14. were discrimination of (inaudible) by
15. inaccessible school facilities and programs,
16. discrimination in suspension and expulsion of
17. students with disabilities, and denial of
18. appropriate academic adjustments and
19. modifications.

20. Not all discrimination can be
21. obviously handled through complaints, because
22. that's a person-by-person, organization-by-

1 organization complaint filing. So just as HHS
2 does it, we also enter into compliance reviews,
3 too. Through that we target our resources to
4 areas that we view as being acute, areas that
5 are national issues and national problems or
6 national in scope as well as any emergent
7 issues.

8 One of the goals of compliance
9 reviews is that we assure that vulnerable
10 groups, as far as persons who are less aware of
11 civil rights laws, have their civil rights
12 protected. Unlike complaints through
13 compliance reviews, we're able to benefit large
14 numbers of students through changing policy,
15 through changing programs.

16 The ways by which we decide what
17 types of reviews to pursue come from survey
18 data. They also come from what we call
19 anecdotal information; that's information that
20 we get from educators who know of specific
21 problems within their area of jurisdiction. We
22 also get information from educational

1 organizations, advocacy groups, parents, the
2 media, community organizations, and just the
3 general public.

4 Some examples of some of the types of
5 compliance reviews that we've been successful
6 dealing with are minorities in special
7 education, ensuring access of English language
8 instruction and course content to students with
9 limited English proficiency, and providing
10 nondiscriminatory access to get to the gifted
11 and talented programs.

12 In 1996, OCR education initiated 143
13 reviews, the most that the office had done in
14 over eight years, and also in 1996 there were
15 173 reviews that were closed.

16 We, too, provide technical assistance
17 to parents, to groups, and to recipients. The
18 best way to enforce civil rights laws is to act
19 upon prevention, provide people with knowledge
20 of what should be done and the mechanisms by
21 which those can be accomplished. So in
22 addition to the complaints, in addition to the

1 compliance reviews we assist parents, students,
2 recipients and other organizations by
3 participating in forums such as this, by
4 outreach, on-site consultations, conference,
5 participations, training classes, and community
6 meetings.

7 Unfortunately on the training classes
8 our budget is probably as limited as John's is
9 with HHS. So we're a little bit more limited
10 to where we might be able to go, but we try to
11 make it to as many places as we can for as many
12 mechanisms as we can. We also provide
13 technical assistance through written and
14 telephone guidance.

15 The department and I, too, as well as
16 my colleagues, we're very proud of what we do
17 for students. As our public relations person
18 in Washington says, we're on the side of the
19 angels. So that's a good feeling to be able to
20 help students and to help recipients ensure
21 that there's equal access to education for the
22 students of the United States. And I'm open to

1 any questions you may have.

2 DR. ROBINSON: Thank you.

3 I have one question. Have you had
4 any complaints out of this region out of the
5 State of Missouri?

6 MS. BENNETT: We had complaints, and
7 since we're in Springfield we've had complaints
8 in Springfield. We did, as the superintendent
9 alluded to earlier, we had a Par review a
10 couple of years ago. Phyllis and David are a
11 lot more familiar with that since I was in
12 private practice two years ago. I was not part
13 of that process.

14 We also have received some complaints
15 from the NAACP here. And that is one of the
16 focuses for our coming, in addition to the
17 importance of this group. We will be meeting
18 with the NAACP tomorrow to address some of the
19 issues that were raised in the complaints they
20 have received, as well as in the past had
21 complaints for southern Missouri, Cape
22 Girardeau and other areas.

1 MS. THOMPSON: Would extracurricular
2 activities be included in your access issues?

3 MS. BENNETT: As long as they receive
4 Federal funding. If they were privately
5 funded, there still may be a jurisdictional
6 issue anyway. That would be of that content,
7 but generally, I would say yes, we would cover
8 those extracurricular activities.

9 Take for instance, in Title IX,
10 intramural sports will be covered. So just
11 because it's the end of the school year does
12 not mean that the equal access goes out the
13 window.

14 MS. THOMPSON: Thank you.

15 DR. ROBINSON: Any other questions?

16 MR. JENKINS: With respect to your
17 review with the Springfield school district, I
18 know there have been some complaints concerning
19 the school district from the NAACP. With
20 respect to those complaints, can you share with
21 us the nature of those complaints? We will
22 listen here to the NAACP later on, but from

1 your vantage point, what information can you
2 provide to us?

3 MS. BENNETT: Phyllis is the
4 investigator who is handling those complaints,
5 I will ask her to address that.

6 MR. JENKINS: Okay.

7 MS. BENNETT: I have a broad brush.

8 MR. JENKINS: Can you come forward,
9 Phyllis, and for the record state your name,
10 please?

11 MS. DONAHUE: Yes, Phyllis Raye
12 Frances Donahue.

13 First of all, the Par review is sort
14 of like what John Halverson was talking about
15 that the first one we did was done in
16 Springfield, Missouri. So it was basically a
17 training ground, and we have learned some
18 things from that experience and incorporated
19 those into the process that we now use.

20 The Springfield Par review, it's a
21 profile assessment resolution review. It's not
22 a tradition compliance review where you have

1 the sole scope of activities that you go
2 through in determining compliance or
3 noncompliance.

4 Basically, Par review involves
5 community participation, interviewing staff,
6 interviewing students, and coming together with
7 what other people think about what the problems
8 and negotiating a resolution agreement to meet
9 those needs.

10 In the instances of the Springfield
11 Par review it was primarily a review of
12 policies and procedures. Now, that is not
13 because all Par reviews are designed that way.
14 It's my understanding from reading the case
15 files that the Springfield school district
16 really did not have solid policies and
17 procedures in place. So to analyze the impact
18 of policies and procedures, first of all, that
19 Par review ended up dealing with establishing
20 nondiscriminatory policies and procedures,
21 particularly in the area of discipline.

22 And I understand from a previous

1 comment that was made that reams of data from
2 the superintendent -- I was not a partner in
3 that Par review, but I am familiar with the
4 work product. My understanding is that the
5 NAACP agrees that the policies were developed
6 and put into place, but that they have not been
7 effective, they have not gone far enough, and
8 that they have had a discriminatory impact in
9 their implementation.

10 I also understand from what the
11 superintendent stated earlier that it's
12 basically their perspective an implementation
13 process of getting it established and analyzing
14 different factors associated with -- the
15 settlement agreement be entered into and then
16 going on, moving forward from that point.

17 I am investigating a complaint that
18 was filed by an individual that encompasses
19 many, if not all, of the concerns that the
20 NAACP wrote in their letter to us regarding the
21 results of the Par review. And I have not had
22 an opportunity to meet with the complainant, I

1 have talked with her representative, and
2 tomorrow morning I also will be having a
3 meeting trying to extrapolate from the
4 documentation that has been sent in to our
5 office what the complaint issues are and what
6 is perceived to be the best approach to go
7 about resolving that.

8 Will it be a full-fledged
9 investigation, are we going to be able to come
10 to agreement? (Inaudible) speaking this
11 morning, we'll just have to see how it goes.

12 Are there any other questions?

13 MR. JENKINS: Do you want to go
14 follow-up with that?

15 DR. ROBINSON: Yes.

16 MR. JENKINS: What are the timelines
17 involved in this particular complaint? Because
18 that's important for community folks to
19 understand that, also.

20 MS. DONAHUE: All right.
21 Unfortunately, I have to admit the case is
22 running behind time. It's a combination of the

1 complexity of the case, the input from the
2 NAACP in viewing those documents,
3 cross-referencing those documents, and the
4 complainant is temporarily out of the country.
5 She will be back in the Springfield area, I
6 believe, August 20. And at that time we'll
7 finalize what the issues are.

8 But we had to kind of get going on
9 it. We were behind time, so we're meeting with
10 the complainant's liaison and seeing what we
11 can do to sift out some of it and have
12 something to work with in the interim.

13 MR. JENKINS: Just for informational
14 purposes --

15 MS. DONAHUE: It's about 40 days into
16 the complaint.

17 MR. JENKINS: -- a copy of that
18 complaint was filed with my office in Kansas
19 City and the national office and we in turn
20 submitted it to your national office. It has
21 been floating out there for some time, and
22 that's why I wanted to try to nail in the

1 timelines because of the importance of trying
2 to resolve this matter.

3 MS. DONAHUE: Well, from the date
4 we've received it, we're about 40 days into it.

5 DR. ROBINSON: Given this type of
6 complaint, what enforcement authority do you
7 have in terms of the final disposition of this
8 case?

9 MS. DONAHUE: There are
10 allegations -- my interpretation of allegations
11 in the complaint to date are Title VI issues,
12 which are discrimination on the basis of race
13 or national origin, relative to this complaint.
14 Also I believe there is a Title IX, sex
15 discrimination complaint.

16 And Section 504, the Rehabilitation
17 Act, when it comes to free, appropriate public
18 education, that learning disabled students are
19 receiving the brunt of discipline and they're
20 being placed in locations that do not provide
21 educational services, special education and
22 related services. That is the allegation as I

1 understand it.

2 DR. ROBINSON: If there are no more
3 questions, then what remedies can you impose as
4 an agency if there is a finding against this --

5 MS. DONAHUE: As Angela has already
6 mentioned, the ultimate sanction of course is
7 termination of Federal financial assistance.
8 The next step back from that is administrative
9 review, and prior to that is negotiating with
10 the district until we hammer out an agreement
11 that's legally sufficient to address the issues
12 at hand.

13 MR. HERNANDEZ: As you know, one of
14 the objectives, of course, of this community
15 forum is to receive information from you in
16 terms of admission of the agency. But also how
17 and where to file a complaint, and I think John
18 alluded to it in terms of what he said, forms
19 that are out by the table.

20 And in terms of the people here in
21 Springfield, we've heard of informal complaints
22 in the media and by telephone. How hard is it

1 to make a complaint to the OCR, and is the
2 Springfield area an acute area as to this
3 particular point?

4 MS. DONAHUE: Well, St. Louis or
5 Kansas City where there are a lot of people we
6 get a lot of complaints. I have not worked in
7 the State of Missouri for some time. I have
8 been primarily working in Nebraska.

9 I do know that there has been at
10 least four complaints, individual complaints
11 filed against the Springfield School District
12 within the last school year. I'm personally
13 aware of three of them, and when I did a file
14 review to see if there were prior complaints
15 then, I found one within the last school year.

16 MS. BENNETT: We, too, have
17 information on the back table there, too, as
18 well as cards are provided, which it's easy to
19 file a complaint with those. All we need to
20 make sure is that it's signed. We cannot
21 accept anonymous complaints, but other than
22 that you can send in a written complaint of

1 your own and if we don't have enough factual
2 information through that complaint we will send
3 you an actual complaint form. But all it takes
4 is just a signed letter.

5 MS. DONAHUE: There are some
6 procedural requirements in terms of filing a
7 complaint with our office. It has to be in
8 writing. It has to be signed. It has to state
9 the last date of the discrimination.

10 Basically who, what, when, where and
11 how. And we have that information on the back
12 table. There's a pamphlet on how to file a
13 complaint and our address.

14 MR. JENKINS: As you proceed through
15 your investigative process with the school
16 district, I would hope you would keep us
17 informed as to the status of the investigation.

18 MS. BENNETT: Be happy to.

19 MR. JENKINS: Thank you.

20 DR. ROBINSON: Thank you very much.

21 At this time we're scheduled to take
22 a 10-minute break. We're running about seven

1 minutes behind. We'll cut the break down to
2 about five minutes and reconvene at 5:25.

3 (Recess)

4 DR. ROBINSON: Our next participant
5 is Mr. Malcolm Barnett, Chief of Intake and
6 Conciliation for Great Plains Fair Housing
7 Enforcement Center, which is a division of HUD.

8 MR. BARNETT: Thank you for inviting
9 us to come. I was asked to explain the
10 complaint process, so that's what I'm going to
11 focus on. I also had data on complaints from
12 Greene County, which is where Springfield is
13 located. I will just submit that to your staff
14 for the record to save time.

15 What you wanted to know was how do we
16 file a complaint or have a complaint filed.
17 The first thing to be aware of is that lots of
18 things are concerns to people. They may even
19 be circumstances in which people have been
20 treated different, but they are not violations
21 of the Fair Housing Act.

22 For example, if someone comes in

1 first to apply for a house and someone comes in
2 second, and the landlord takes the first person
3 who comes through the door, he has clearly
4 treated the other person differently, but it is
5 not a violation of the Act. If the landlord
6 uses screening criteria, provided they are in
7 and of themselves not discriminatory, and that
8 results in someone being turned down, that is
9 not a violation of the Act.

10 What is a violation of the Act is to
11 treat people differently because of their race,
12 their color, their national origin, their
13 familial status, their sex, or the fact that
14 they have a disability.

15 I think the only one that needs an
16 explanation is familial status. That means
17 having legal custody of a child under the age
18 of 18. And it may be, if you have a
19 20-year-old child, that is not familial status
20 according to the Fair Housing Act, even though
21 we all may think they're still children and
22 should be treated that way, all right.

1 What is it illegal to do? It's
2 illegal to refuse to provide a reasonable
3 accommodation for a handicapped person. For
4 example, if a person is in a wheelchair and the
5 property does not have a ramp, the tenant must
6 be allowed to put a ramp in at the tenant's own
7 expense. There are complicating factors to
8 that; we won't go into that now.

9 The other thing is that it is illegal
10 after March of 1991 to have constructed
11 multi-family housing that is not adaptable to
12 the needs of the mobility impaired. That means
13 after that date, if somebody built a house that
14 could not quickly and easily be made
15 accessible, then that was a violation of the
16 statute and is actionable.

17 Now, what kinds of actions are
18 illegal? It's illegal to refuse on any of
19 these bases we've listed to sell to someone.
20 It's illegal to refuse to rent to someone or to
21 negotiate for rent. It's illegal to impose
22 different terms and conditions on someone.

1 That is to say, if you evict someone for
2 causing noise, you have to evict everybody for
3 causing noise, especially if you evict
4 minorities who cause noise but not, for
5 example, whites that cause noise.

6 It is illegal to discriminate in the
7 provision of either mortgages or home
8 insurance. If someone doesn't get a mortgage
9 because they are a member of one of the groups
10 we've listed, that is a violation of the Act.
11 If someone does not get homeowner's insurance
12 because they live in an area that is redlined
13 because of the character of racial or ethnic or
14 something characteristic of the neighborhood,
15 that is a violation of the Act.

16 It is illegal to harass people who
17 want to live in the neighborhood. The classic
18 is, of course, cross burning, but there are all
19 kinds of other things that might constitute
20 harassment, and they are violations of the Fair
21 Housing Act.

22 Finally, it is illegal for a

1 municipality to use its zoning or codes
2 enforcement procedures to treat people
3 differently because of their race, their color,
4 because the property is to be used by the
5 handicapped.

6 Now, suppose you know of such a
7 situation, and even more important, suppose you
8 are the victim of such a situation. What do
9 you do? The first step is obviously to file a
10 formal complaint with either my department, the
11 U.S. Department of Housing and Urban
12 Development, or in this area the Missouri
13 Commission on Human Rights.

14 When you call or write, we will
15 probably want some additional information.
16 Usually it comes in to my office within 20 days
17 of your having contacted us. We will gather
18 from you and sometimes from other people any
19 information we need to understand what the
20 complaint is all about and who the proper
21 parties are.

22 For example, someone applying to rent

1 a property usually doesn't know who actually
2 owns the property. We will find that out for
3 them. Somebody knows that they talked to
4 "Joe," but they have no idea who Joe is. If we
5 at least have a reasonable description of Joe,
6 we will find out who Joe is so that they can be
7 named in the complaint.

8 Once that's done, once we determine
9 we have jurisdiction, that is to say this isn't
10 simply a landlord-tenant squabble or this isn't
11 simply a squabble between two tenants because
12 they just don't like each other, we will then
13 assign the case to an investigator. That
14 investigator will usually finish their work
15 within 73 days of the time we first got the
16 complaint. So they have about 50 days to do
17 their job.

18 Within about 90 days there will be a
19 decision as to whether the case is a cause
20 case; that is, we believe there was a violation
21 of the Act, or there wasn't. Within about 100
22 days we will have notified the parties that

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1 there was cause or there wasn't cause.

2 If we decide that the Act was
3 violated, we will then represent the
4 complainant. We will provide legal assistance
5 in one of two ways: If both parties agree to
6 go to what is called an administrative law
7 judge, who is an employee of the department, a
8 lawyer from the department will represent the
9 complainant and the department in the hearing.

10 If, as is the right of both parties,
11 either party can elect to go to Federal
12 District Court, we will then refer the matter
13 to the U.S. Attorney, who will then assign an
14 attorney to represent both the department and
15 the complainant before the Federal District
16 Court judge and a jury if one is necessary.

17 Now, what happens if, after all this,
18 the judges declare there was discrimination?
19 If this is done before the administrative law
20 judge, then the civil penalties for the person
21 or the organization that discriminated are
22 \$10,000 for the first offense, \$25,000 for the

1 second offense, \$50,000 for the third offense
2 or more.

3 If the trial is before the
4 administrative law judge, the complainant will
5 only be able to get actual damages; that is to
6 say that they may get damages because it cost
7 them more money to find another apartment, they
8 may get damages for pain and suffering, they
9 had severe emotional trauma, their kids had
10 emotional trauma, whatever their actual damages
11 are.

12 If, however, the case is tried by
13 Federal District Court, then punitive damages
14 are possible, and the Court will assess damages
15 based -- sufficient to punish the respondent
16 for whatever it is he's alleged to have done.

17 Now, in addition to the Fair Housing
18 Act, which is the most popular and the best
19 known, there are other civil rights statutes.
20 Most important is Section 504 of the
21 Rehabilitation Act, which requires that
22 handicapped or disabled persons be given

1 reasonable accommodations for equal access in
2 Federally funded facilities. This means for us
3 primarily facilities owned by a public housing
4 authority or facilities for which we have
5 provided a below-market-rate mortgage.

6 In addition, the Americans With
7 Disabilities Act, whose housing sections we
8 also administer, provides that the same rights
9 must be given to persons in both the public and
10 the private sector and also requires that
11 public accommodations be accessible. So for
12 example, if a building has both apartments and
13 a grocery store on the ground level, we are
14 required to ensure that the grocery store is
15 accessible.

16 There are other statutes under which
17 people may also complain. One is Section 109
18 of the Housing and Community Development Act.
19 This provides that you may not discriminate on
20 any of the bases I listed at the start in
21 community development block grant programs.
22 Now, Springfield HUD gets a fair amount of

1 community development block grant programs, so
2 activities that are funded under those programs
3 are fairly widely dispersed throughout the
4 community and must be open and equally
5 accessible to all.

6 There is the Age Discrimination Act
7 which prohibits discrimination based on age.
8 This is not like employment. This is because
9 you're too young or because you're too old or
10 anywhere in between in Federally funded housing
11 programs, only Federally funded. So that's
12 primarily housing authorities or something
13 where we have a subsidized mortgage.

14 Finally, there is Section 3 of the
15 Housing and Urban Development Act of 1968,
16 which is a little bit different from all of
17 these. This requires that any recipient of
18 Federal funds make an effort to employ or use
19 as contractors persons who are lower-income
20 from the area of the project. For example, a
21 public housing authority has a duty first to
22 try to use its own tenants as contractors or as

1 employees whenever possible before it goes
2 outside.

3 Now, where do you call? If you want
4 to call us directly, you can call us at
5 1-800-743-5323. If you want to call the
6 Missouri Commission on Human Rights, which is
7 almost the same as calling us because they will
8 file the complaint with us, you call them at
9 area code (573) 751-3325.

10 Are there any questions?

11 DR. ROBINSON: Any questions? Very
12 good, you've covered all of the areas.

13 MR. BARNETT: Thank you.

14 MS. THOMPSON: Thank you, Malcolm.

15 MR. BARNETT: If anyone wants to file
16 a complaint, I'm here.

17 (Laughter)

18 MR. JENKINS: Thank you, Malcolm.

19 DR. ROBINSON: Mr. Barnett will take
20 your complaint back there. We'll set up a
21 table.

22 Our next participant is Mr. Carl

1 Fricks, the enforcement manager of the U.S.
2 Equal Employment Opportunity Commission of
3 St. Louis, Missouri. Mr. Fricks.

4 MR. FRICKS: Dr. Robinson, thank you.

5 We're glad to be here today. I'm
6 accompanied by Robert Royal, who is one of the
7 supervisory trial attorneys in our office in
8 St. Louis.

9 EEOC is charged with enforcing the
10 employment discrimination laws that are
11 existent in our area here. There are four that
12 we have jurisdiction over: It's Title VII, the
13 Civil Rights Act, the Age Discrimination in
14 Employment Act, the Americans With Disabilities
15 Act, and the Equal Pay Act.

16 I wanted to present some information
17 about, one, how do you get into our system, and
18 two, what kind of workload exists that our
19 office deals with?

20 You basically get into the system the
21 same way that you've heard several other
22 Federal people talk to you about. One, call

1 our office, area code (314) 539-7800. You'll
2 be put in a voice mail system that will ask you
3 for name, address, and we'll send you a charge
4 inquiry form for you to fill out and return to
5 us.

6 That will go to an investigator who
7 will contact you, usually within the next 21
8 days, to secure additional information and
9 draft a charge of discrimination that you would
10 sign and then EEOC would process as a part of
11 the investigation. You can also use the
12 services of the Missouri Commission on Human
13 Rights, and you can also use the Mayor's
14 Commission on Civil Rights here in Springfield
15 as a source to come to to make that same kind
16 of complaint.

17 As I said, we investigate the four
18 major statutes that relate to employment
19 discrimination. So far this year we've had
20 about 8,000 calls to our office alone asking
21 for information about the complaint process.
22 We have had about 4,000 responses back from

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1 members of the public who have said, "I have an
2 employment problem that you need to talk to me
3 about." Of the 4,000 inquiries that we receive
4 back, we've docketed around 1,500 this year so
5 far. Our year ends at the end of September, of
6 course. We've docketed about 1,500 of those
7 things this year so far.

8 I did not break out Greene County, I
9 did not break out southwest Missouri, because
10 partly we deal with part of southwest Missouri
11 out of St. Louis; the Kansas City office deals
12 with other parts of southwest Missouri from
13 Greene County on west and south of here.

14 But their experience is very similar
15 to ours. They have something like between
16 5,000 and 6,000 charges, inquiries that have
17 come to them, and they're going to end up with
18 about 1,400, 1,500 charges that they will
19 investigate this year also.

20 Our process now involves a reasonable
21 cause standard that is there is more likely
22 than not that a violation exists. And it cuts

1 both ways. If we go that way and find a
2 violation, we only have to have a reasonable
3 belief that a violation exists. We also only
4 need a reasonable belief that a violation does
5 not exist to stop processing.

6 The reason that we got to this point,
7 one, is basically funding. For the last five
8 years Congress has told us that our agency is
9 going to get smaller because they've given us
10 no more money. Now, when we get no more money
11 from the legislative side of the House, we end
12 up losing people. As we lose people, we lose
13 the ability to investigate every charge and
14 every complaint that would come to the EEOC to
15 the fullest extent possible.

16 Our commission looked at this and
17 said, "You have to start deciding early on
18 which complaints have merit and which ones do
19 not have merit and stop processing those that
20 do not have merit as soon as you can do that."

21 Part of the reason for getting to
22 that point was that nationwide they were

1 looking at in excess of 100,000 complaints in
2 the system, 100,000 charges in the system.
3 There were 22 districts that handled that. We
4 were running as much as two years behind a
5 complaint being filed and an investigation
6 being completed.

7 Our goal presently is to move through
8 the complaint process much faster. In fact,
9 we're looking to the process of getting
10 reasonable cause charges through the
11 investigation in less than 270 days, and we're
12 making some real strides in doing that. Our
13 inventories for the individual investigators
14 are much more in line with what's necessary to
15 be able to allow an investigator to, one, pick
16 up the charge, go to the employer, get the
17 information, get back and make that quick
18 decision.

19 As these things play out, though, it
20 becomes increasingly difficult with the
21 community to make sure that they have an
22 understanding of why we're making our decision

1 as quickly as we are and how we're doing that.
2 We've asked our investigators to do this and
3 we're able to ask them to do this because we
4 have a great number of long-term persons. Many
5 of our investigators have 20 years' experience
6 with the Commission in dealing with civil
7 rights investigations in employment.

8 They know what is going to lead to a
9 violation. They're able to look at a fact
10 situation and say, "I've seen this before, I've
11 worked with this employer before, and I know
12 what's going to happen with this charge." And
13 they're able to tell the community much sooner,
14 "Look, we're out of this. You need to take
15 this process somewhere else."

16 As a closing note, one of the final
17 things that we're trying to do is an alternate
18 dispute resolution that will allow the parties
19 to go to a neutral and request their help in
20 resolving their problem. We think that that
21 will probably move much faster, and we're
22 hoping that persons who come to us and get

1 involved in that process are resolved out
2 within 90 days with a satisfactory resolution
3 for both parties involved.

4 We think that it has great potential.
5 We've asked both the complaining party and the
6 company to stand behind that and take some
7 financial risk in getting involved in that.
8 The neutrals are not free, the processing is
9 not free, and we have to ask that they do
10 contribute somewhat financially to getting the
11 process done.

12 I'm going to let Robert talk about
13 specifics about the four laws, the remedy and
14 particular cases that may be important. I'll
15 be glad to address any questions about our
16 administrative processing as we finish up here.

17 DR. ROBINSON: Okay, thank you.
18 Mr. Royal? Mr. Royal is a supervising trial
19 attorney with the EEOC.

20 MR. ROYAL: Good afternoon. Just a
21 few things about the legal unit and the
22 compliance units. Of course they have to work

1 hand in glove to make our operation work.
2 Right now we have approximately 12 employees in
3 our legal unit. There are two supervisors, a
4 regional attorney, myself, the supervising
5 trial attorney, and five trial attorneys. We
6 likewise have four paralegals and one legal
7 technician.

8 It's a good staff. It's a tenured
9 staff. The trial attorneys have been there on
10 average between 15 and 20 years. We got a
11 chance this past month to hire our first
12 attorney in 10 years, so they've been there for
13 quite a while.

14 (Laughter)

15 MR. ROYAL: Good experience. Again,
16 you have the trial attorneys, between 15 and 20
17 years' experience.

18 We don't get involved in the process
19 that every time an individual files a charge.
20 I wish we could. We can't; we're understaffed,
21 "we" being the legal unit. We're fortunate
22 enough to go ahead and see all of the charges

1 that are B charges that are charges that might
2 have some potential, we're not sure.

3 In A charges, if somebody thinks,
4 "Yeah, this has litigation potential," then we
5 can meet with that trial attorney, regional
6 attorney and the attorney of the week with top
7 management to review these charges and decide
8 if we want to make a charge an A charge.

9 If it's an A charge, that means an
10 attorney is assigned to it. At that point in
11 time, that attorney is responsible for a host
12 of things: making sure the employer complies
13 with requests for information. If it does not,
14 here's your subpoena. If they refuse to comply
15 with the subpoena, or better yet if they
16 respond by requesting the subpoena be revoked
17 or modified, we draft a determination for the
18 director's signature saying we won't modify,
19 revoke. Produce.

20 And of course, if they still don't
21 produce, we can go to Federal Court and have a
22 judge enforce, judicially enforce this

1 administrative subpoena. Not bad.

2 The more important thing is when
3 information finally comes in in that A case, we
4 confer with investigators to what the cause is
5 to determine whether or not this case is as
6 strong as they thought it was or going the
7 other direction, out the door. We can tell the
8 investigators, "Look, you need more information
9 of this type time, more witness interviews,
10 more documents."

11 At some point in time if the process
12 goes right, a light goes off. The investigator
13 says, "I've got a winner," and we more or less
14 have (inaudible), the final say in saying do we
15 agree. The director actually has the final
16 say, but it comes to legal and the trial
17 attorney will do a review to say is it a cause
18 case. And if he says yes, it still comes to me
19 and I'll concur. And then it goes to the
20 regional attorney, he will concur, and then
21 finally the director can go contrary to our
22 concurrences.

1 At that point in time you've got a
2 cause case. And should that case fail
3 conciliation, we've got some fun things we like
4 to do, and that's litigate. In the old days
5 everything you had to litigate, you had to go
6 to headquarters to ask for permission, write a
7 good P.M., a presentation memo, saying, "Please
8 allow us to litigate."

9 Things have changed. Now we have
10 authorization to file lawsuits locally for
11 certain types of lawsuits. Title VII lawsuits,
12 you can file those locally, unless of course
13 they're class actions. That's a novel issue
14 and may cost \$100,000 or more to litigate.
15 Then we have to go to headquarters, either OGC,
16 the office of general counsel or to the
17 commission to get approval. But if it's one of
18 these run-of-the-mill, we can file quickly, and
19 we do file.

20 Of course, ADA cases are more novel.
21 The commissioner wants to see all of these; OGC
22 wants to see all of the ADA cases -- excuse me,

1 the disability cases. So those go to
2 headquarters and the commissioner says, "Allow
3 us to litigate." ADEAH cases, we can file
4 those locally, unless of course it's a novel
5 issue, \$100,000 or more to litigate.

6 So we have to file a lot more
7 lawsuits now a lot quicker than what has gone
8 before. That's just the process to sue.

9 From a caseload standpoint, it's
10 presently a somewhat interesting mix. We've
11 got a major -- we've got a white, it looks
12 like, suing McDonnell Douglas. We've got a
13 major class action against McDonnell Douglas in
14 an age case, age 55 and older, we've got two
15 smaller age cases -- excuse me, one age case
16 and a sex/race case against them.

17 We likewise intervened in a
18 nationwide class action, a (inaudible) case for
19 blacks. We have a black national origin case
20 against Wal-Mart. Of course we have just filed
21 recently -- and some of these will be our first
22 ADA disability action -- against an outfit

1 called Positive Resources, and we have our
2 share of sexual harassment and sex cases. So
3 it's a good mix of lawsuits that we pursue.

4 And once we file a lawsuit, there's
5 that typical kind of lawyer thing where you
6 engage in discovery, you send out
7 interrogatories, request production, conduct
8 depositions, file motions, and if you force it,
9 you try it. And we've been successful at least
10 in resolving cases of an insubstantial amount
11 of money in the past six or seven years
12 (inaudible). We're really glad about that.

13 Unfortunately, as I look back in my
14 memory I thought, "Gee, I've been in this
15 office for 10 years. I can only recall two
16 cases that brought us down to Springfield."
17 One was with a poultry company which I won't
18 name, I could; and a second was against another
19 outfit, a small outfit, and both were sex
20 cases. Those were resolved successfully. We
21 got the money, we got the reinstatement.

22 But there's that sense that we can

1 and should do more in this part of the world.

2 That's part of the reason we're here, of
3 course. One of the things I would like to do,
4 and I had referenced initially, is that someone
5 mentioned with the NAACP, to go over some of
6 the complaints they've got from, I think,
7 education. I would sure be willing to talk
8 with the NAACP, who has called us, talked with
9 us recently, about their concerns and questions
10 and spend as much as time as they would like to
11 speak with me. And if that means staying again
12 tomorrow, we'll be here tomorrow.

13 That is essentially our presentation.
14 We can talk about damages, another small
15 comment -- and we enjoy this, too, as lawyers,
16 I guess. But from a technical standpoint, it
17 makes a difference. We can now seek things
18 like compensatory damages, (inaudible) like
19 your pain and your suffering, your humiliation,
20 your loss of self-esteem. And there's another
21 thing called punitive damages to punish the
22 company for its bad habits.

1 And that has made our job, in terms
2 of an enforcement standpoint, a lot more
3 interesting. Because we now have jury trials
4 for virtually everything, whereas before it was
5 just (inaudible) age cases and the (inaudible).
6 You can do that. And now we find ourselves in
7 a jury situation virtually every time we file a
8 lawsuit, with the potential, except for these
9 (inaudible) cases and ADA cases, for
10 substantial compensatory damage awards and
11 punitive damage awards. It does make our life
12 more interesting; of course I think it makes an
13 impact on the community at large.

14 Thank you. I'm sorry, any questions?
15 I'm sorry, please, ask it.

16 DR. ROBINSON: I have one question.
17 Must a person exhaust state remedies before
18 pursuing a remedy with your office?

19 MR. ROYAL: You can do it, file with
20 the NCHR or EEOC. The important thing about
21 filing is to file a timely charge, within 300
22 days of the alleged act or your notice of the

1 act. And you should probably monitor the
2 process more carefully.

3 There are, like in other statutes,
4 ways to total that, but they're not easily
5 shown if you file a timely charge 30 days from
6 the date of the alleged act. If you do that,
7 we conduct that administrative investigation.
8 As Carl indicated, it may take another month.
9 Actually, it took a whole month before.
10 They're a lot quicker now, but at a price.

11 Those things we call C charges are
12 revolving door charges. They've got the door
13 open at the very beginning and we're stuck
14 with -- not stuck, left with the B charges
15 (inaudible) the potential, the A charges we
16 forget about. We investigate those until
17 either the B's become A's or C's, or the A's
18 become lawsuits or they settle them.

19 Again, you have to exhaust the
20 administrative remedies pretty well, file a
21 timely charge allowing us to investigate. And
22 of course, you can request a right to sue after

1 180 days, but -- in certain places. Or in the
2 case of age, it's not quite as complicated.
3 The point is this.

4 DR. ROBINSON: What's an average
5 timeline from the point of filing to final
6 resolution?

7 MR. ROYAL: Carl as the enforcement
8 manager is the expert on that. Carl, your best
9 guess?

10 MR. FRICKS: The average staff age
11 right now is somewhat under 180 days. That
12 means that the charges in the hands of
13 investigators are around 180 days old. Office
14 age is a little older than that because there
15 is some built-in time getting them processed
16 into the system, and the jurisdictional base
17 starts counting from the time that they hit the
18 door. But it's around 180 days.

19 Many of our -- and part of that
20 problem is it's compounded by the necessity to
21 expend more time and effort on cases that we're
22 going to do litigation on. We run up time on

1 those in a hurry, and it's not at all unusual
2 to have a charge over a year old before it gets
3 in the hands of the attorney.

4 The rest of the stuff that we're able
5 to resolve administratively, we're pushing it
6 down around 120, 130 days right now. So we're
7 beginning to move some stuff through fairly
8 rapidly.

9 MR. ROYAL: Having legal involvement
10 is both a blessing and a curse. The blessing
11 is you've got the attorneys working with you to
12 provide you advice and counsel. Sometimes the
13 attorneys tend to be less quiet. Some of them
14 are more demanding than the investigator might
15 be, but that means we're in the process then.
16 We realize we have to litigate that case before
17 a Federal judge should it fail conciliation.
18 So we probably have to do more compliance
19 sometimes than we would like to do.

20 MS. THOMPSON: Could you help me
21 remember: Do you all handle employment
22 discrimination concerns against the Federal

1 agencies?

2 MR. FRICKS: Yes. We handle the
3 hearing aspect of it. The agencies handle the
4 internal investigation leading up to the
5 finding, and then if it is unacceptable to the
6 party, it goes to the hearing examiners in the
7 office.

8 MS. THOMPSON: Thank you.

9 DR. ROBINSON: Any other questions?

10 MS. BOTELLO: Your closest office is
11 where?

12 MR. FRICKS: To here, it's Kansas
13 City.

14 MR. ROYAL: I think Springfield falls
15 in the St. Louis district. As odd as that may
16 seem, if it's discriminatory, it comes to
17 St. Louis.

18 MS. BOTELLO: So anyone in
19 Springfield would have to call St. Louis to
20 make a complaint or go through the Missouri
21 Commission on Human Rights?

22 MR. ROYAL: MCHR, they can sure do

1 that.

2 MS. BOTELLO: Are there plans for an
3 800 number?

4 MR. ROYAL: Do we have an 800 number?

5 MR. FRICKS: There is an 800 number,
6 but it routes through Washington and finally
7 falls back to us here somehow.

8 (Laughter)

9 MR. ROYAL: That number Carl gave
10 you, if it's your wish to talk to an attorney
11 about a (inaudible) matter, we won't give free
12 legal advice but at least direct you to certain
13 areas. It's the same number for talking about
14 a charge, and that's (314) 539-7800.

15 MS. BOTELLO: I was just concerned
16 that there would be an 800 number that would
17 make it easier for people to call.

18 MR. ROYAL: I sure wish there was,
19 and Carl is right, it does go through D.C.

20 MR. FRICKS: And we do offer, you
21 know, call collect. You know, if there's a
22 real problem, call collect. The office will

1 accept a collect call and get a number and
2 we'll call back. We think we do a good job of
3 getting calls returned.

4 MR. ROYAL: We surely try.

5 MS. BOTELLO: Thanks.

6 DR. ROBINSON: Any other questions at
7 all?

8 MR. ROYAL: Thank you. Appreciate
9 your time.

10 DR. ROBINSON: Thank you, Mr. Royal
11 and Mr. Fricks.

12 Our next participant is Ms. Donna
13 Covette, who is the director of compliance and
14 special projects for the Missouri Human Rights
15 Commission. She will be substituting for
16 Mr. Steve Skolnick.

17 MS. COVETTE: Good evening.

18 PARTICIPANTS: Good evening.

19 MS. COVETTE: Oh, I appreciate that
20 greeting. I drive a long way to hear that.

21 As I was introduced, my name is Donna
22 Covette, and I'm director of compliance and

1 special projects with the Missouri Commission
2 on Human Rights.

3 I'm so pleased to have this
4 opportunity to visit with all of you about the
5 work of the Missouri Commission on Human Rights
6 and quite honored to have one of our
7 commissioners with us in the audience.
8 Ms. Alise Crane is from the Fourth District,
9 Ozark, Missouri. Alise is sitting right back
10 there, and I'll give her an opportunity later
11 if she would like to have some comments. This
12 is one of the issues, one of the areas that she
13 handles in her district.

14 Well, for 24 years of my life, the
15 Missouri Commission on Human Rights has been
16 not just a job for me, but a personal
17 commitment to the citizens of the State of
18 Missouri. Myself and the 47 staff and 10
19 commissioners take our roles very seriously,
20 that we are one of the only last strongholds in
21 the State of Missouri, or one of few, that has
22 a responsibility to protect the rights of the

1 citizens of the State of Missouri.

2 Now, a lot of people may think that
3 our law covers just black people and women and
4 people with disabilities. But the law says
5 that any person who believes they have been
6 discriminated against has a right to file a
7 discrimination complaint. Not just any woman,
8 not just any black person, not just any person
9 because they're Hispanic or other ethnic
10 origin. And when we say this, we truly mean
11 that. We truly mean that the law is not just
12 for some people, it's for everybody.

13 The law is administered in the areas
14 of employment, public accommodations and
15 housing. How many of you are children in the
16 audience? I saw one of the children raise his
17 hand. You are a child.

18 (Laughter)

19 MS. COVETTE: The housing portion of
20 the law covers families with children. And I
21 hope that you can see by this explanation that
22 race, color, religion, national origin,

1 ancestry, sex, handicap, age for those of us
2 who are over 40 but under 70 in employment, and
3 familial status in housing. And from this
4 broad definition I hope that you will believe,
5 as I do, that this law is a law for everyone.

6 Now, I want to digress a little bit.
7 I don't know how many of you have teenagers. I
8 have an 18-year-old that just graduated from
9 Jefferson City High School. I'm very pleased
10 about that. And you know, one of the things
11 about teenagers is they love to argue with
12 their parents. How many of you can attest to
13 that? And so he calmly says things to me like,
14 "Mom, you don't know what you're talking
15 about," "Get real, that was in the olden days."

16 And one of the biggest arguments that
17 we ever had was the fact that he considered
18 that I wasn't a teacher. And he argued with me
19 and he said, "Mom, you're not a teacher because
20 you don't go to a room full of people and stand
21 up and teach them anything. You work with the
22 Commission on Human Rights. You're not a

1 teacher." And so every chance that I get to
2 prove my teenager wrong, I take that
3 opportunity. So today, class, I am a teacher.

4 (Laughter)

5 MS. COVETTE: And one of the tools
6 that teachers like to use in determining
7 whether or not their students have a particular
8 knowledge base is to give them a simple
9 document. I think some of you may know what
10 I'm talking about. It's a four-letter word,
11 begins with a T and ends with a T. Anybody
12 want to hazard a guess?

13 MR. JENKINS: A test.

14 MS. COVETTE: A test. Thank you very
15 much. And I'm a firm believer in interactive
16 learning, so I have a short test-your-knowledge
17 about discrimination. So pull out your pencils
18 and if you don't have one --

19 MR. JENKINS: Excuse me, excuse me.
20 This is a formal hearing that you direct to us.

21 MS. COVETTE: Oh, I'm sorry, I didn't
22 know --

1 MR. JENKINS: This is not
2 participatory by the audience. This is a
3 formal setting --

4 MS. COVETTE: Okay.

5 MR. JENKINS: -- that you make your
6 presentation to us. Thank you.

7 MS. COVETTE: All right, I'm sorry.
8 Well, you all won't get a test. Thank you very
9 much. Well, let me tell you then about the
10 Missouri Commission on Human Rights, and then
11 perhaps you can do your own individual test.

12 The State of Missouri has had a law
13 that has covered discrimination. We celebrate
14 our 40th anniversary this year. And for 40
15 years we've had a various amount of
16 responsibility. As I said, we cover employment
17 discrimination. We do investigate complaints
18 of employment discrimination against any
19 Missouri employer with at least six full- or
20 part-time employees. We're different from the
21 EEOC; their jurisdiction is 15 employees.

22 We also investigate any place that is

1 a place of public accommodations that offers
2 goods or services, and the law says "for the
3 peace and comfort and safety and welfare of the
4 general public." So that includes every --
5 almost every facility. We also investigate
6 complaints against any dwelling in the State of
7 Missouri. That includes mobile homes,
8 apartment complexes, all types of sale or
9 rental practices. Those are covered in the
10 housing portion of the law.

11 We have, as I said, 48 staff persons.
12 They're located in four areas of the state. We
13 have an office in Jefferson City which is our
14 central office; we have an office in Kansas
15 City which covers the entire western part of
16 the state; we have an office in St. Louis,
17 Missouri which investigates cases all the way
18 up to the Missouri line there on the eastern
19 part of the state and down to the area of the
20 boot heel. We also have an office in Sikeston,
21 Missouri. That office investigates the quote,
22 unquote "boot heel" area of the state.

1 Our staff is made up of, of course,
2 support services. We wouldn't be able to do
3 our business without support services. We also
4 have investigators who are titled our human
5 rights officers, and they actually do the
6 actual physical investigation, they collect the
7 facts. We are a fact-finding agency. That's
8 our primary responsibility, is to gather the
9 facts. We don't act as advocates for either
10 party in that initial stage.

11 The investigators are assigned a case
12 for the investigation. They gather the
13 information, compile it in a report, and that
14 report is then submitted to the executive
15 director of the agency who makes a
16 determination as to whether or not an alleged
17 act of discrimination has occurred.

18 If the executive director finds that
19 there is no reason to credit the allegations of
20 the complaint, the case is dismissed. And as
21 is any other final decision of the agency, it
22 is appealable through the regular civil court

1 proceedings, the Circuit Court, the Court of
2 Appeals, and finally the final venue is the
3 Missouri Supreme Court.

4 If the executive director does
5 believe that there is reason to credit the
6 allegations of the complaint, he will then
7 issue what is called a finding of probable
8 cause. That's an official document notifying
9 the parties that there has been reason to
10 believe a violation of the Act has occurred.

11 From that point the statutes require
12 us to enter into a stage that is titled
13 Conference, Conciliation and Persuasion. That
14 is the formal settlement stage of the process,
15 although we do have settlement that can be
16 ongoing throughout the investigative process.

17 In conciliation, the parties are
18 given an opportunity to try to equitably
19 resolve the issues of the complaint. If they
20 are successful, it is reflected in the form of
21 a written document for all of the parties to
22 sign and the matter is closed, quietly and

1 confidentially and in agreement of the parties.

2 If, however, that process proves to
3 be not successful and the conciliation fails,
4 the case moves to the next stage, which is a
5 possible public hearing. I use the word
6 "possible" because there's not a guarantee that
7 a case will go to a hearing. This is a
8 decision that's rendered by the Commission
9 through its chairperson.

10 A little bit about the Commission and
11 how it's made up: We have 11 commissioners who
12 are appointed by the Governor and confirmed by
13 the Senate. They actually set policy and
14 procedure for the agency, and they also make
15 final determinations as to whether or not
16 discrimination did or did not occur. As I
17 mentioned, Alise is one of those commissioners.

18 If the case isn't set for a hearing,
19 then it's formally dismissed, and again, the
20 appeal process can then start. If the
21 Commission deems that the case should go
22 forward to our formal hearing process, then

1 there will be an actual public hearing where
2 the parties have an opportunity to, as I like
3 to say, to have their day in court. And they
4 have an opportunity to present their evidence
5 before a trier of fact, and the determination
6 is then made by the Commission as to whether or
7 not discrimination did or did not occur.

8 That's our official process of the
9 agency. We have some other new things on the
10 horizon. We have what we call an early
11 resolution process that allows parties very
12 early in the investigative process to try to
13 resolve their complaints. We've had great
14 success with that particular avenue.

15 We are investigating the possibility
16 of adding mediation as a formal process in our
17 process in, again, an attempt to try to help
18 the parties reach equitable settlement. We
19 find that, of course, settlement is always the
20 best way and is truly a win-win type of
21 situation.

22 The Commission has work-sharing

1 relationships with two Federal agencies: the
2 Equal Employment Opportunity Commission and the
3 Department of Housing and Urban Development.
4 In those work-sharing relationships a person
5 that files with us can also dually file their
6 complaint with either the EEOC if it's an
7 employment case or with HUD if it's a housing
8 case. In the dual file relationship, we
9 actually have what we call a joint inventory.

10 But the real beauty of the
11 work-sharing relationship is that it avoids the
12 duplication of effort. It avoids the
13 possibility of someone who has the right to
14 exercise their right to file a Federal
15 complaint and a state charge, and sometimes, as
16 Kathy will attest to, a local charge, and then
17 have all three of us knocking on their door
18 asking the same set of questions. This avoids
19 that particular kind of dynamic, because one or
20 the other agency will determine who is going to
21 conduct the investigation, and then the other
22 agency, we share our investigative finding with

1 them.

2 We've had our work-sharing
3 relationship with EEOC since about 1978, with
4 HUD since about 1988, and I can attest to the
5 fact that it does allow all of us with our
6 limited resources to be able to essentially
7 handle the work as best that we can.

8 A few years ago, actually a couple of
9 years ago, the Governor of the State of
10 Missouri with the cooperation of the Department
11 of Labor and Industrial Relations started a
12 special project called the Case Reduction
13 Project. The purpose of that project was to
14 reduce the increasingly large inventory of
15 backlog cases with our agency. We had a
16 particular dynamic, very much common in our
17 industry, where we had more work than we had
18 the ability to be able to do in a timely
19 fashion.

20 The Case Reduction Project was
21 started in April of 1995 and concluded in June
22 of 1997, and during that project we were able

1 to reduce our internal inventory by
2 approximately 1,070 cases. What that did was
3 allow us to actually contract with other warm
4 bodies who were not staff people. And in doing
5 that we actually gave them cases to
6 investigate.

7 So they became investigators, but
8 they weren't staff persons. Most of them were
9 attorneys; we did have a couple of private
10 investigating firms. They did a competitive
11 bid process with the state and were able to
12 move those cases through our system in a much
13 quicker fashion than we had been able to do.

14 With the advent of the Case Reduction
15 Project, our inventory is now what we consider
16 controllable. We have investigators who can
17 quickly be assigned the investigation. Their
18 average processing time is about 120 days now,
19 because we had always believed that if we could
20 get the cases in the hands of the investigators
21 we would be able to move the cases faster.
22 Prior to the Case Reduction Project we weren't

1 able to get those cases to those people, and in
2 actuality, some of them had been sitting in an
3 inventory, an unassigned inventory for over a
4 year.

5 So the Case Reduction Project did put
6 us in a better light. It was fully supported
7 and funded by Missouri State Government, and I
8 consider it was a very helpful addition to what
9 we commonly do. The project did end on
10 June 30, and we're just hoping that we can do
11 some internal things, very much like EEOC is
12 doing, looking at cases and rating them in
13 somewhat of a fashion similar to what they do.
14 A lot of us in the industry kind of piggyback
15 on what we see as successes in one place.
16 We'll say, "It worked over there, we can
17 probably modify that kind of process and work
18 with the State of Missouri."

19 Also, the Commission is very much
20 committed to public education and outreach
21 effort. The 10 commissioners that we currently
22 have have made a personal commitment to broaden

1 the effect and appeal of the type of work that
2 we do, and we're very much into the preventive
3 mode at the point in our evolution. And the
4 Commission will be doing some things in the
5 state, some public forums and seminars, in an
6 attempt to broaden its overall effect.

7 That concludes my formal
8 presentation. Do you have any questions?

9 DR. ROBINSON: Can I have one of your
10 tests?

11 MS. COVETTE: I could have given you
12 all the test.

13 DR. ROBINSON: Just to have to check
14 my knowledge at a better point in time.

15 Any questions?

16 MS. BOTELLO: I want a test.

17 MR. HERNANDEZ: Which is the quickest
18 way for a person in the Springfield area to get
19 in touch with you in terms of filing or --

20 MS. COVETTE: We have a toll-free
21 number that is -- and I've brought some
22 brochures and information that's on our

1 brochures. Our toll-free number is
2 1-800-877-MCHR. That will get you to -- for
3 purposes of filing complaints, as I said, our
4 Kansas City office is responsible for
5 investigating cases.

6 Also you may go to the Mayor's
7 Commission here in Springfield and they can put
8 you in touch with us or assist you in
9 completing a complaint and get it filed in our
10 system. Any other questions?

11 DR. ROBINSON: Any other questions or
12 comments? Thank you, Ms. Covette.

13 MS. COVETTE: Thank you.

14 DR. ROBINSON: We need the answers,
15 also. I'm already stumped on a couple of them.

16 Okay. Our next participant is
17 Ms. Kathleen Clancy, executive director of the
18 Mayor's Commission on Human Rights and
19 Community Relations here in Springfield,
20 Missouri.

21 MS. CLANCY: On behalf of the local
22 Commission, I welcome you all to Springfield,

1 and I hope while you're here you might get to
2 do a few fun things.

3 The local Commission was created in
4 1964 under City Ordinance 18A. We're a neutral
5 agency just as the Missouri Commission on Human
6 Rights and the EEOC are, and we work very
7 closely with those organizations.

8 The jurisdiction is the City of
9 Springfield only. The Commission has no
10 authority to file any complaints for any
11 employees of the City of Springfield. We have
12 no authority over any state agencies or county
13 agencies. Any employees from those agencies
14 would have to go to the Missouri Commission or
15 the EEOC. Any complaints outside of where the
16 employer is located or the landlord is located
17 outside of city limits, whether it came from
18 Republic or Stratford or Nixa or some other
19 small community, would go to the Missouri
20 Commission or to the EEOC.

21 But I do help, our office does help.
22 We take phone calls from those people, and we

1 do help them. Give them the phone numbers, if
2 they want to come in and talk to us, we have
3 the questionnaires there for them to complete
4 and get sent off to the right addresses so they
5 get where they're supposed to go.

6 Our purpose, according to the city
7 code, is to foster mutual understanding and
8 respect among all racial, religious and ethnic
9 groups and agencies, to discourage and prevent
10 discrimination against any group, to cooperate
11 with other agencies having like functions, make
12 investigations and studies in any field of
13 human relations as well as effectuating its
14 general purpose.

15 The areas that we cover are
16 employment, housing and public accommodation.
17 The categories are the same as the Missouri
18 Commission and the EEOC. We cover age -- our
19 age protects only in employment and only from
20 the age of 40 to 64 -- race, religion, national
21 origin, sex, disability, and in housing, the
22 familial status. That was recently added to

1 our city ordinance.

2 The Commission itself is made up of
3 15 individuals. Up until November of 1996 it
4 was made up of nine commissioners. In November
5 of 1996 the citizens of Springfield voted in an
6 ordinance, and it passed, to change our charter
7 so that we could increase the commission number
8 to 15.

9 The commissioners, we maintain a
10 balance of the male/female. We also look for
11 representation from the black community, the
12 Hispanic community, from the Asian community,
13 the American Indian community. They serve a
14 term of three years. The Mayor is who appoints
15 our commissioners. He will work with the
16 chairperson of our Commission to select
17 individuals from applications that are
18 submitted to the City Clerk's office, but he
19 will make the decision and he will do the
20 swearing in.

21 We have the power to investigate,
22 make findings and conciliate. Prior to 1990 we

1 had the power to hold public hearings, but
2 there was a Missouri Supreme Court case where
3 the Missouri Supreme Court, it was out of
4 Springfield, and they found that local agencies
5 do not have the power to make orders against
6 companies. So since 1990 we can make findings
7 that we can conciliate, and all of the
8 settlements that we reach are voluntary.

9 There are five local commissions in
10 the State of Missouri. The Commission in
11 Springfield is very different in that this
12 Commission, it is the actual commissioners who
13 do the investigation of these cases in
14 Springfield.

15 The office staff is made up of myself
16 and a secretary, and my purpose is to do the
17 intake. I sit down, I talk with the people, I
18 decide if we have a basis here that we can
19 actually file the complaint, and if we have
20 what we call a prima facie case in front of us
21 and it goes, we submit the complaint, we send
22 it to the company, we wait for their response,

1 and then I assign the case two of the
2 commissioners.

3 The two commissioners will then meet
4 with the complainant and they will meet with
5 the respondent. They will collect any
6 documents that they feel are necessary, they
7 will speak to any witnesses that either party
8 wishes them to speak to, and then they will
9 make a finding.

10 If they make a probable cause
11 finding, they will attempt some type of
12 conciliation. In 1996 we collected \$20,800 for
13 our complainants, and that doesn't count the
14 number that were -- I think we have like four
15 cases that we were able to settle before a
16 finding and people kept their jobs.

17 If the case is a probable no cause,
18 then the complainant also will file with the
19 Missouri Commission and the EEOC. Now, we
20 can't, we don't make the filing for the
21 complainant. What we can do is supply them
22 with the forms or the questionnaires, the

1 addresses, and tell them their time limits,
2 "You have 180 days or you have 300 days from
3 this point and you need to get this done." But
4 we cannot and we don't do that for them.

5 If the respondent doesn't wish to
6 work with us, they can stop working with us at
7 any time during the investigation. Then of
8 course we forward it on to the Missouri
9 Commission and to the EEOC. We've made it a
10 habit to hold a case, but we'll work on the
11 case, but if we see our 180-day limit is
12 coming, we will send that letter out and say,
13 "Complainant, you need to do this for your own
14 protection."

15 There for a while, if we would file
16 our cases and then have them file
17 simultaneously or at the same time with the
18 Missouri Commission or the EEOC, we were all
19 coming in on the company at the same time, and
20 it wasn't working out very well because we were
21 the ones losing out. They don't have to work
22 with us; they have to work with these other

1 guys.

2 (Laughter)

3 MS. CLANCY: So what we have done now
4 is that we will try to work out something with
5 the company or the landlord at this level, but
6 we also keep a tickler and make sure that
7 nobody is going to miss their filing time with
8 the EEOC or the Missouri Commission. And then
9 there are people who would rather just file
10 with those agencies, and I understand that.

11 Ninety-one percent of the cases we
12 filed in 1996 involved employment, 8 percent
13 were housing, 2 percent were public
14 accommodation. Our sexual harassment and
15 disability cases were on a slight decline; our
16 racial cases increased by 4 percent over 1995.

17 The Commission is also (inaudible).
18 The second half of our title is community
19 relations, and that's a lot of what I do as the
20 Director. I go out and talk to the schools,
21 make presentations to companies, do sexual
22 harassment training. There's a Black Expo

1 that's held in Springfield, we attend that.
2 Just whatever community functions or
3 organizations we can get into we're into, to
4 try to be a part of.

5 Do you have any questions?

6 MR. JENKINS: Let me focus on the
7 community relations aspect. I understand your
8 authority with respect to housing and
9 employment and all that.

10 If you were here earlier, I asked the
11 Mayor and the Superintendent about their vision
12 concerning race relations in Springfield. If I
13 were moving to Springfield as a black person,
14 let's say working in the school district, and I
15 came to your office to ask your fair assessment
16 of race relations in Springfield, and I asked
17 you what are some of the good things and what
18 are some of the bad things and how you think I
19 would be perceived and treated, take it from
20 there and give me about a five-minute spiel.

21 MS. CLANCY: Okay. I think
22 Springfield has started a lot of good things.

1 We have The Good Community, we have Vision
2 20/20, our school administration is working
3 with the Black Ministerial Alliance. I mean,
4 there have been all kinds -- the NAACP.

5 I think that there are people who are
6 really trying. The Southwest Missouri State
7 University has recently coordinated what's
8 called the Coalition for Change in Springfield.
9 They have brought together representatives from
10 every educational facility here, our colleges,
11 our junior college. They have brought
12 representatives from the 20 top employers of
13 Springfield.

14 And what they have found is that we
15 may bring in professional minority people, and
16 I'm talking primarily black individuals here.
17 We may bring them in here. In fact, Evangel
18 College noted that they had brought several
19 professors to Springfield, but they can't get
20 them to stay. They can't get them to stay
21 because they suspect maybe they can't fit in
22 socially, or professional organizations such as

1 the Rotary Club or Junior League or some type
2 of organization like that. They have trouble
3 fitting, finding a place that way.

4 And so that is what the Coalition has
5 come together, to try to not just bring
6 individuals here and give them a job, because
7 really that's the small part -- everybody, the
8 Police Department is looking for that, the
9 school system is looking for that, our major
10 employers are looking for that -- but building
11 something that will keep them here.

12 I get two -- the chairperson of my
13 Commission was a black female that moved here
14 from Kansas City. I'm not sure how many years
15 ago she moved here, but it's recent, within
16 five years. When she moved here she had been a
17 J.C. Penney employee in Kansas City for several
18 years. She told me that she was told by the
19 black community not to apply at Penney's
20 because she probably wouldn't get a job there.
21 She got a job there. She's very successful.

22 You know, it's an attitude that we

1 have here that needs to be changed. It's very
2 hard to change attitudes, very hard. And I
3 think the school system is starting to address
4 it by starting with our young children.
5 Because the kid hears it at school, but go home
6 and Mommy and Daddy are saying something
7 completely different. It's tough. But I think
8 that they're trying.

9 And I also know from traveling
10 around, going to conventions, going to
11 seminars, that Springfield is not alone in this
12 problem. This is a problem that is being faced
13 by communities all around. But I think that
14 there have been some real positive steps. I'm
15 not saying that we don't have a long way to go,
16 because we do. We have a long way to go. And
17 it will only take cooperation from everybody to
18 get to that point.

19 MR. JENKINS: If you could wave a
20 magic wand and say, "These are the things that
21 I want to change in reference to race relations
22 in Springfield," what would be some of those

1 things?

2 MS. CLANCY: That I wouldn't get a
3 phone call from a black male or a black female
4 who has been at our mall and said that they
5 felt like they were being picked out or singled
6 out, followed by security; that there could be
7 a black gathering in a public place and maybe
8 there wouldn't be security guards milling
9 around, more so than if it had been a white
10 group.

11 If I could see -- I was at a meeting
12 with the NAACP people where the Pipkin School
13 was spoken about and they had writings, they
14 had complaints that the children had actually
15 written, and these were sixth-graders, and
16 their punctuation and their grammar was worse
17 than second grade. Those would be the things.

18 I mean, if I didn't have somebody
19 come in my office and say, "I feel I've been
20 discriminated against because of the color of
21 my skin." I guess that puts me out of a job.

22 MR. JENKINS: That's what we're all

1 working for. Very good. Thank you.

2 MS. CLANCY: And I would like to --
3 the Mayor, I think, made a mistake on his
4 figures. Our black population in Springfield
5 is 2.5 to 3 percent and our total of the rest
6 of the Hispanic, American Indian is
7 approximately 1 percent.

8 DR. ROBINSON: I think Capt. Smith
9 made the correction.

10 MS. CLANCY: Okay.

11 DR. ROBINSON: I don't think he knew
12 the Mayor said that, but I think --

13 MS. BOTELLO: I have a question.

14 DR. ROBINSON: Kathleen, we haven't
15 finished.

16 MS. BOTELLO: Just percentage-wise, I
17 don't need numbers, your Commission, what is
18 the percentage of people? You say you have 15
19 members?

20 MS. CLANCY: Fifteen members.

21 MS. BOTELLO: And you said you try to
22 keep it fairly balanced, male and female. What

1 about minority representation?

2 MS. CLANCY: Right. We have a male
3 and female black individual on the Commission,
4 we have a female American Indian, we have a
5 female from the Asian community -- is there a
6 Hispanic? Oh, yes, we have a female from the
7 Hispanic community. We also try to keep
8 perhaps people on there who have owned
9 businesses, because we're dealing with
10 employers so much, that it brings another
11 perspective to us. So I think that's pretty
12 much it.

13 PARTICIPANT: One from the disabled
14 community?

15 MS. CLANCY: Oh, yes, I'm sorry. One
16 from the disabled, female. And I will have to
17 say this, that these last six commissioners who
18 were appointed just since November, that the
19 Mayor and our current chairperson went out in
20 the community actually trying to get people to
21 apply who would fill those categories who would
22 be from the different minority groups in

1 Springfield. So that's the first time I've
2 seen that happen.

3 MS. BOTELLO: So what I hear, just
4 going by the numbers, it sounds like half are
5 minority or minority groups?

6 MS. CLANCY: I would say it's at
7 least -- I know the last six have been.

8 MS. BOTELLO: And the other half
9 would be Caucasian, male or female?

10 MS. CLANCY: Right.

11 DR. ROBINSON: Who makes the
12 appointments?

13 MS. CLANCY: The Mayor.

14 MR. JENKINS: What was the rationale
15 for going from nine to 15?

16 MS. CLANCY: Fifteen? Because of our
17 backlog. And there was several ways you could
18 go. The city could hire an investigator.

19 MR. JENKINS: Right.

20 MS. CLANCY: But that meant money, so
21 we couldn't do that. And the commissioners
22 actually enjoy being involved, and they're very

1 dedicated. This is all voluntary. They get no
2 pay for this, and it was their idea to raise
3 it, and the Mayor approved it, and it went
4 before the people of Springfield. So I felt
5 pretty good.

6 MR. JENKINS: I can tell you,
7 volunteers are worth their weight in gold.

8 MS. CLANCY: Yes, they certainly are.
9 Any other questions? Thank you.

10 DR. ROBINSON: Thank you.

11 Our next participant is Ms. Lesia
12 Denney, executive director of READ here in
13 Springfield, Missouri. Did I pronounce your
14 name correctly, your first name?

15 MS. DENNEY: Lesia. Responsible
16 Education And Discipline is a group of
17 parents --

18 DR. ROBINSON: Could you speak up?

19 MS. DENNEY: Okay. Responsible
20 Education And Discipline was formed when a
21 group of parents were faced with many of the
22 same issues with the children attending R-12

1 schools. In October of 1996 I came to get
2 involved. Parents had contacted me about
3 problems they were facing in the middle school
4 that my own child was attending.

5 One young lady had not attended class
6 in three weeks. If she was late to class, she
7 was not allowed to attend the remainder of that
8 class; she would be sent to the office to visit
9 the principal. On one particular day her wait
10 was three hours. She was suspended for
11 giggling in class. She was suspended for not
12 having her P.E. shorts.

13 A biracial child attending Pipkin was
14 suspended when another young man was running
15 down the hall and tossed him a coat. The young
16 man knew who the coat belonged to; he took it
17 and placed it in his locker. During this time
18 the young lady that the coat belonged to had
19 reported it stolen. This young man was not
20 aware of that. He was on his way to take the
21 coat back when a note was handed to the
22 assistant principal that the coat was in this

1 young man's locker. The young man was
2 suspended.

3 The young gentleman that actually
4 stole the coat, that tossed it to the young
5 man, was never questioned. Never questioned.
6 And the owner's parents, for this jacket, they
7 offered a reward. The principal would not
8 announce it on the P.A. system.

9 One young lady attending Pipkin had
10 cigarettes in her purse. When confronted by
11 the assistant principal she willingly handed
12 him the cigarettes. He insisted that he had to
13 search her purse. She said that was okay, but
14 there was one pocket, a very small pocket on
15 the purse that she asked it remain closed. The
16 assistant principal asked her, "Do you have
17 personal items in this pocket?" The young lady
18 replied, "Yes."

19 The assistant principal and the
20 security guard then dumped the entire contents
21 of this young lady's purse in the hallway,
22 okay. In the young lady's words, when they

1 picked up the tampons they chuckled. There
2 were female counselors and a nurse in the
3 building that could have easily searched that
4 one particular pocket in that purse; instead,
5 the young lady left crying.

6 An African American girl proudly
7 displayed her artwork in the hallway where
8 demoralizing words were written on the corner
9 of her art work. The principal of Pipkin could
10 do nothing. She didn't know who did it.
11 Somebody in that school maybe did it, yet
12 another child leaves in tears from school.

13 My own son while attending Pipkin was
14 called names and left with bruises by a teacher
15 in the school. According to the principal in
16 the December 14 issue of the News-Leader, she
17 investigates all suspensions of 10 days or more
18 and never loses any sleep or not over whether
19 she is there. My son was suspended for 10 days
20 for assaultive behavior to school personnel.
21 As he was picked up by the neck -- he weighs 80
22 pounds -- he was kicking his feet. He kicked

1 the teacher. Assaultive behavior to school
2 personnel.

3 The teacher has never confronted me
4 or my son, not even in the hearings that we
5 went to to get my son back into school over why
6 my child was left with bruises.

7 The principal of Pipkin called me in
8 February to ask the name of one of the
9 witnesses, one of the children that witnessed
10 what happened on those stairs. I hung up on
11 her. This all happened December 9, 1996; why
12 was she calling me in February? My son had
13 already been suspended.

14 According to the July 15, 1997 issue
15 of the News-Leader, R-12 staff admitted that he
16 did not completely and fully understand the
17 definition of "assaultive behavior." So why
18 was my child suspended for it?

19 In the same article, Dr. Harmon,
20 principal, I'm sorry, attributes the high
21 suspension rate at Pipkin to the Safe School
22 Act, yet I received a letter from Desi that

1 clearly states the only reference to stricter
2 penalties in the Safe School Act is to weapons.
3 My child did not have a weapon; neither did any
4 of these others that were suspended.

5 Children physically and emotionally
6 abused is, to the best of my knowledge, against
7 the law, even in the school setting. Children
8 with learning disabilities is a special concern
9 with our group. My own son was diagnosed in
10 second grade with a learning disability, at
11 which time he was in an average 1.9 grade
12 level. But now entering the seventh grade, he
13 is at best on a third-grade level. His reading
14 is only at a 2.1.

15 The IPs are written, the words look
16 good on paper. Children are entering high
17 school here that can barely read, and we wonder
18 why Springfield's dropout rate is the highest
19 in the state. R-12 staff members stated in a
20 Kansas City radio interview that a learning
21 disability was not accepted by the district as
22 an excuse to misbehave. As parents of LD

1 children, we will not accept any excuse for not
2 helping all of our children reach Goals 2000.

3 The attorney for the school has
4 stated that no grievances have ever been filed
5 with R-12. Well, actually I kind of have to
6 agree with you, because anything that we
7 parents file as a grievance is not accepted.

8 I personally filed a sexual
9 harassment when my daughter was assigned one
10 day of ISS at Central High School. I did not
11 disagree with the punishment; she -- it was
12 completely warranted. My complaint was with
13 the room in which she sat. She sat in a
14 bathroom in the basement. The toilet seats had
15 been removed and desks were placed where the
16 toilets once sat. On the walls where she sat
17 were the words "Nigger suck big dick, fuck you,
18 and C world."

19 I personally went in, I took pictures
20 of these, and then I filed a grievance with
21 R-12. It was not accepted. It did not fall
22 under the guidelines.

1 At the time that this happened, in
2 that particular school were five empty
3 classrooms. Any one of those classrooms could
4 have easily been used for an ISS room instead
5 an old toilet.

6 In the June board meeting on page 8
7 of the agenda it states the grievance
8 procedure. Contained is a statement that the
9 grievance procedure is not applicable if the
10 grievance is filed with any outside federal,
11 state or local governmental unit or court. So
12 they deny our grievances as such. We file
13 outside the school, they aren't considered
14 grievances. So they can again state no
15 grievances have ever been filed.

16 Unlike some of the staff, I do lose
17 sleep over the treatment of our children in
18 school. These children are our own future.
19 Thank you.

20 DR. ROBINSON: Can you give us what
21 READ again is?

22 MS. DENNEY: Responsible Education

1 And Discipline.

2 DR. ROBINSON: And Discipline.

3 MS. PERRY: I'm really stunned by
4 this. What I wondered, did this happen at the
5 same school or has this happened at maybe one
6 or two schools in this area?

7 MS. DENNEY: The ISS room was at a
8 separate high school here in town; the rest of
9 the incidents are all at one particular school.

10 MS. PERRY: At one school, then, the
11 other incidents at one school?

12 MS. DENNEY: Right.

13 MR. JENKINS: Have you had an
14 opportunity to meet with the superintendent and
15 discuss the concerns that you have related
16 here?

17 MS. DENNEY: We do, and when we file
18 grievances going by what we can understand in
19 that grievance policy they say effectively,
20 "No, that is not a grievance."

21 MR. JENKINS: Okay. Regardless of
22 whether it's a grievance, it's a major concern.

1 And are you looking for a mechanism, maybe
2 outside the grievance mechanism or an informal
3 mechanism that has been made available to you,
4 in your view, to resolve this matter?

5 MS. DENNEY: No.

6 MR. JENKINS: Has the superintendent
7 offered to meet with you concerning your
8 concerns?

9 MS. DENNEY: Never.

10 MR. JENKINS: Has a member of his
11 staff met with you concerning this?

12 MS. DENNEY: The only one that has
13 ever met with me is Kim Finch and I initiated
14 that. She is the head of secondary schools,
15 middle schools here in town, and that was
16 because I was pulling my son out.

17 MR. JENKINS: Okay. You indicated
18 some complaints coming from African American
19 kids.

20 MS. DENNEY: Right.

21 MR. JENKINS: Have the parents of
22 those kids, those children filed a complaint

1 with the Office for Civil Rights Department of
2 Education?

3 MS. DENNEY: Yes.

4 MR. JENKINS: And this is in the
5 process of being reviewed now; am I correct?

6 MS. DENNEY: Now, on the one with the
7 coat incident, okay, when it was investigated
8 and the vice principal of the school gave his
9 side of the -- his statement, it seemed as if
10 that was all that was taken, you know. So it
11 was kind of dismissed. There were no
12 statements taken from the children to see what
13 happened.

14 MR. JENKINS: With respect to the
15 grievances that you've mentioned, what would
16 you like done?

17 MS. DENNEY: I want them to listen to
18 us.

19 MR. JENKINS: "Them" meaning?

20 MS. DENNEY: The school. We've been
21 referred to as parents of troublemakers,
22 parents of troubled kids. There's too many of

1 us that have had the same problems. If they
2 would just be willing to sit down and say,
3 "Okay. Possibly this did happen, you know,
4 maybe this did happen. What can we do to
5 resolve it?"

6 These kids need to stay in school,
7 you know. We're kicking them out, and when
8 they reach the age they drop out. They can't
9 read, they can't write.

10 MR. JENKINS: Is there another group
11 that could facilitate a meeting between your
12 group and the school administrators in
13 Springfield?

14 MS. DENNEY: Yes.

15 MR. JENKINS: Is there another group
16 that could do that?

17 MS. DENNEY: I'm sure the NAACP
18 could.

19 MR. JENKINS: Okay. Would you want
20 to sit with members of the NAACP to --

21 MS. DENNEY: Yes.

22 MR. JENKINS: Okay. And from our

1 perspective, all of what you're saying is a
2 part of the public record that is being
3 recorded today.

4 MS. DENNEY: Yes.

5 MR. JENKINS: And the concerns that
6 we have, the advisory committee will take those
7 under consideration during its deliberations.

8 DR. ROBINSON: How many parents are
9 involved in READ?

10 MS. DENNEY: Approximately 40.

11 DR. ROBINSON: Forty, okay. Have
12 they all experienced some similar kind of
13 situation or problem?

14 MS. DENNEY: Some have and some are,
15 you know, just concerned parents who know of
16 things that happened. But most of them have.

17 MS. THOMPSON: Are there other ethnic
18 groups in READ among the parents? Are there
19 African Americans?

20 MS. DENNEY: Yes. We kind of
21 consider ourselves a rainbow group of all
22 different.

1 MR. JENKINS: Okay. I would ask that
2 you contact the NAACP and then we will
3 facilitate matters from our standpoint, also.

4 MS. DENNEY: Okay. Thank you.

5 MR. JENKINS: Thank you.

6 DR. ROBINSON: Our next participant
7 is Ms. Rosemary Stewart-Stafford who is a
8 member of the NAACP, Springfield Branch,
9 Executive Committee.

10 MS. STEWART-STAFFORD: Good evening.
11 I'm delighted to be here. I am a native
12 Springfieldian. I attended the high school
13 whose bathroom was described, and I think some
14 of that graffiti may have been there in the
15 early '60s.

16 I am the daughter of a mixed
17 marriage. My father was African, Cherokee and
18 Irish; my mother was Scotch, Irish, Dutch and
19 Welch. I'm proud to call myself a grandmother
20 of the Iroquois Band of the Cherokee Nation, a
21 member of the Bird clan -- I spell that word
22 with a C -- and I became involved in race

1 relations in my home community beyond simply
2 living my life being the daughter of a father
3 who, when he heard racist humor, would state,
4 "You better not do that, there might be a
5 nigger in the woodpile around here," and then
6 he would come right on out of the closet and
7 tell people.

8 My family passed for white, and
9 decided to do that because of the advantages
10 that this country of equality tends to provide
11 for people with paler skin. I'm 51 years old.
12 My father died when I was 16.

13 This is not something I intended to
14 say, but the dean of girls at the high school I
15 was attending at that time, Parkview, fully
16 knowing that I was different from the other
17 students because my family is not and was not
18 Christian. We followed traditional Cherokee
19 spiritual beliefs, and my mother was a follower
20 of Gandhi, so I'm about as mixed as you get.

21 And knowing that I came from a
22 culture that's matriarchal, but that I had a

1 father who loved me enough to attend school
2 events, when he passed away three days before
3 school started during my sophomore year, the
4 first thing that happened to me when I walked
5 into Parkview High School was that the dean
6 asked to see me. She said, "I'm sorry you had
7 to miss those first few days of school. How
8 does it feel to be an orphan?"

9 I took a lot growing up here and I
10 remembered a lot. Then in 1990 the KKK became
11 very active here. They held a rally in Big
12 Wheeler Park (phonetic) which I was living near
13 at that time. Unfortunately, during that
14 period of time, the Springfield Police
15 Department's response when I decided and my
16 family -- my parents are deceased, but my
17 husband and my children and neighbors of
18 ours -- decided to have a counter-rally. We
19 had attended a rally in Marshfield, Missouri
20 where the KKK had marched, and the citizens of
21 Marshfield came out in such huge numbers that
22 they literally stopped the KKK at the town

1 line. They decided they didn't want to come
2 into town.

3 I just assumed Springfield would be
4 capable of doing the same thing. And so I was
5 horrified when I heard they were going to have
6 a rally at Big Wheeler Park, but I knew they
7 had a right to be there, and I decided to have
8 a peaceful picnic. I put out fliers that said,
9 "Let's fill this park with so much love there
10 is no room for hate."

11 Now, I think that Capt. Smith wanted
12 things to turn out as well as I did. I think
13 we were all just really caught flat-footed
14 here, even though we have this history of this
15 lynching, which I will briefly touch on in just
16 a moment.

17 But in 1990 with this rally scheduled
18 to happen within a few blocks of my home in a
19 park that my father had treated as a very
20 sacred place and in which he had made his
21 prayers, I got a call from Capt. Smith asking
22 me not to have my rally. And I said, "Well,

1 have you called Steve Gullett, the state
2 director of the KKK, and asked him not to have
3 his rally?" And he said, "Oh, no. He has a
4 Constitutional right to do that."

5 And I don't think Capt. Smith and I
6 would handle things the same today. I think we
7 all learned a lot from 1990, and I'm just going
8 to real briefly turn to a couple of newspaper
9 clippings from that time, or actually just one.

10 What ended up happening was the KKK
11 rally did occur; my rally did occur. We were
12 locked out of the park. You had to show KKK
13 membership if your children were going to play
14 on the park equipment that day. And because
15 the Springfield Police Department wanted to
16 keep things safe, and I believe that really is
17 the reason, they decided they had to be a huge
18 presence there, and they literally had armed
19 Springfield policemen on each sides of the KKK
20 sales booth and membership booth.

21 I knew it was illegal because we had
22 been participants in Earth Day and we held that

1 on the grounds of the art museum, because any
2 sales are illegal in the Springfield city
3 parks, except if you're like a service
4 organization selling refreshments at a ball
5 game and then those proceeds are split. I do
6 devoutly pray to the Great Spirit that the
7 proceeds for those KKK memberships in 1990 were
8 not split with my hometown. But this illegal
9 salesman was there, it was guarded by
10 Springfield police.

11 My daughter took photographs of this.
12 She was eight months pregnant with my first
13 grandchild at the time. Her life was
14 threatened. We were told when we left to make
15 a complaint with the Springfield Police
16 Department that if they investigated every
17 death threat, every redneck in town would be in
18 jail too much of the time. That was sort of an
19 informal quote in the hallway.

20 This is from the public record when
21 my daughter did pursue the complaint that the
22 sales were illegal. So, "Steve Gullett, Klan

1 leader faces arrest over T-shirts. Klan leader
2 fined for solicitation, missing court date."

3 I am quoted in the newspaper as
4 saying, "'My contention is that the Klan, like
5 all organizations, should have to follow the
6 law,' said Chatterton's mother,
7 Stewart-Stafford. 'The best thing the
8 community can do is to make sure the Klan toes
9 the mark on every regulation. Here it seems
10 the Klan has been allowed to deviate.'"

11 Then this is a quote from
12 Capt. Smith. He said, "The job of the Police
13 Department in a controversial situation such as
14 a Klan rally is, number one, to make sure
15 everyone's First Amendment rights are
16 respected," which I wish he remembered when he
17 made the phone call to me, "and second, to
18 ensure public safety. Beyond that I don't
19 think her comments merit a response."

20 I thought they did then, I think they
21 do now, although Hal and I are on first-name
22 terms and we get along pretty good these days.

1 It's a small town here in Springfield.

2 But we did then have a series of
3 events where we attempted to have a bias times
4 ordinance passed. Mayor Carlson was our Mayor
5 at that time. He introduced the bias times
6 ordinance and then he withdrew his own
7 ordinance after Steve Gullett, again, the state
8 director of the KKK, appeared at the City
9 Council and said he thought that the ordinance
10 might discriminate against the KKK.

11 So the ordinance was withdrawn for
12 consideration, and another ordinance was
13 brought into consideration which did not
14 have -- because it would have extended
15 protection based on sexual orientation. And if
16 you think there's discrimination here based on
17 skin tone, try deviating in that regard. I've
18 been accused of that because I have friends who
19 are gay.

20 At any rate, I'm going to not go
21 through a lot of the things that I did intend
22 to go through. I'm just going to say that as

1 an Indian, I'm very offended by a quote from
2 the Ashgrove Shopping News, October 23, 1996,
3 Attorney General, the highest ranking law
4 enforcement person, I guess, in the State of
5 Missouri. There was an article written with
6 his byline and he says, "As Attorney General,
7 I've taken a stand against all attempts by
8 Native Americans to place land in a trust for
9 gaming or any other purpose."

10 The State of Missouri is the only
11 state in the United States of America that has
12 no Native American land in public trust. I
13 think that's a pretty outrageously racist thing
14 for our state Attorney General to say.

15 I also want to point out that there
16 is a grand jury report in regard to those 1906
17 lynchings, that they found the Police
18 Department culpably negligent. We have
19 contacted attorneys about the possibility of a
20 reparation suit here in Springfield. When I
21 say "we," I'm talking about the NAACP Executive
22 Committee. We've gotten eager responses.

1 It's not a route that we want to
2 take, but we certainly have the attorney who
3 handled the Rosewood case in Florida ready to
4 act as an adviser to any Missouri attorney who
5 wants to take a reparation case against the
6 City of Springfield, supported largely because
7 of this grand jury report.

8 After that Good Community retreat
9 that Mayor Gannaway mentioned earlier, we tried
10 to have an apology for the 1906 lynchings.
11 There were a lot of newspaper articles at that
12 time back and forth about that idea. I think
13 probably one of the most interesting ones was
14 by Darrell Moore, who is a prosecuting attorney
15 in the city of Springfield who is also a
16 Southern Baptist. I also have friends who are
17 Southern Baptists. And he brought forth the
18 idea at the retreat that we might make an
19 apology for the 1906 lynchings. He said it
20 could ease tension.

21 Some of his quotes that I think are
22 extremely interesting are, "In my 12 years as

1 assistant prosecuting attorney, I have seen the
2 suspicions, distrust and lack of confidence
3 that many members of the black community have
4 toward those of us in law enforcement, the
5 prosecutor's office and the court system. Does
6 part of this distrust stem from the fact that
7 several institutions failed to speak out to
8 repudiate the vile acts of 1906? I believe so.
9 I believe that we cannot start working together
10 to erase racism and other forms of
11 discrimination until those of us currently
12 occupying positions of power apologize to the
13 black community for our biggest historical
14 example of discrimination."

15 And I want you to know that the 1906
16 lynchings here occurred on Easter Sunday. My
17 white grandfather was a participant. He would
18 move his family to town and ask him until after
19 the niggers were disposed of, his quote. He
20 died before I was born. But my mother felt
21 very strongly about racism, enough to marry a
22 man of color, and she assured that I knew that

1 part of my heritage as well.

2 Stewart Street in town is named for
3 my family. My grandfather did move to
4 Springfield, he became city street inspector,
5 and one of the first things he did after the
6 lynchings was change the names of streets so
7 that it's hard to trace black property or to
8 bring suit (inaudible). My grandfather's hand
9 will reach forth through the decades to make
10 that more difficult.

11 We have a real problem with diversity
12 here, with all kinds of diversity, to the point
13 that when we try to have tolerance as one of
14 our values after this Good Community project --
15 some of you may have heard about that, I
16 understand we made statewide news because we
17 were forced to drop first "diversity," then
18 "tolerance," and then "inclusion," because the
19 leaders of the extreme Christian right were so
20 concerned that all of those might be buzzwords
21 about homosexuality. So --

22 MR. JENKINS: Can you leave those

1 articles that you referred to and a copy of the
2 grand jury report?

3 MS. STEWART-STAFFORD: Yes, I can.
4 I've got those so I will give these to you that
5 I did not get into.

6 We need free events here. The NAACP
7 had a picnic. We fed people young, old, black,
8 white, all different colors. We didn't charge
9 for that. We lost a whole lot of money on
10 that. But that's the kind of thing we need,
11 because when you don't have a diverse
12 community, people forget some of us are so poor
13 that a couple of bucks really matters when it
14 gets like multiplied by a family of several
15 people.

16 So many things are really being
17 limited here because of our old fears that have
18 led to our lack of diversity that our
19 prosecuting attorney here can see and
20 understand.

21 And I'm going to conclude by doing
22 something I wasn't sure I was going to do. Oh,

1 by the way, Capt. Smith did mention Harrison,
2 Arkansas is a place they recruit. This is an
3 article from 1991 about a college the KKK
4 started down there, Klan anti-drug literature
5 being distributed in the schools down that way.
6 I hope you don't do too much recruiting there,
7 Harrison, where the KKK has a section of
8 highway to clean up.

9 During that rally at the (inaudible)
10 there was a gentleman thrown from the park --
11 oh, we were told that, the demonstrators were
12 told that we were kept out of the park, our
13 kids couldn't play on the equipment for our
14 safety because the KKK was in the park. Tom
15 Robb, who is a very well-known national leader,
16 came up to -- actually I believe it might have
17 been Capt. Smith and said, "We don't want a
18 certain person in this park. We're scared of
19 him. We think he's dangerous." And so he was
20 escorted by the Springfield police in the midst
21 of the demonstrators.

22 We kept it together. There were no

1 violent incidents. There was some shouting.
2 That gentleman was Dennis Mahon (phonetic). He
3 was the first witness called in the trial
4 that's being held now that there's a grand
5 jury -- there's a grand jury being held in
6 Oklahoma about the bombing there. And Dennis
7 Mahon is linked to Aropie (phonetic) City, a
8 white supremacist Christian group in Oklahoma
9 to which Timothy McVeigh had made telephone
10 calls.

11 So Mr. Mahon really was the most
12 dangerous man in the park that day. He
13 shouldn't have been thrown in with the
14 demonstrators. I hope our police have
15 standards and procedures in place now, although
16 when I was on the executive board of the ACLU I
17 was told that actually our Police Department is
18 in the process of working out a, you know,
19 handbook of standard procedures, written
20 standard procedures. I think both our schools
21 and our police have needed this kind of goading
22 in order to quantify what needs to be done.

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1 Klanwatch Intelligence Report, I
2 monitored to them about a meeting in Branson
3 which concluded with Pink Peters, he's a white
4 supremacist minister. The one in Branson,
5 family values, Branson, the last thing he did
6 was at a Friday session introduce his four
7 infant grandchildren to the audience by lifting
8 their arms in a Nazi salute and laughing, in
9 Branson. He said, "This is not a game, this is
10 war."

11 He climaxed his sermon by pulling out
12 a white Donald Duck, a little Jewish beanie,
13 and in Springfield I've learned I have to
14 explain what that is; placing it on his head
15 and performing a grotesque impression. He then
16 snatched up the Donald Duck, spit on it, wiped
17 it across the seat of his pants and threw it to
18 the floor. The audience in Branson at Mutton
19 Hollow gave Peters a standing ovation.

20 I supplied this information to the
21 Springfield Police Department -- I mean, to the
22 Springfield newspaper after the Good Community

1 Retreat, asked that it be publicized. They
2 refused to do so.

3 We submitted the grand jury report to
4 them in a letter signed by the president of the
5 NAACP asking, in the interest of bringing out
6 that these were innocent people, that a grand
7 jury discovered they were innocent, bring this
8 out. Because when this apology thing came up
9 we had letter after letter, "We can't
10 apologize, these people may have been guilty,"
11 on and on, "This is a hidden history, this is
12 lost information." The newspaper is not
13 helping to change that.

14 Steve Gullett, the director of the
15 KKK at that time, showed up again after the
16 bombing. Bass Pro Shop donated a truckload of
17 generators to take over to help the rescue
18 efforts. Mr. Gullett drove the truck. He had
19 resigned from the Klan at that time, we were
20 told. He turned out to be one of the rescuers.
21 He participated in the rescue of a black woman
22 whose leg had to be amputated in order to be

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1 taken out of the building. I doubt if she
2 would have appreciated knowing that the Grand
3 Dragon was on the other end of her life
4 support.

5 That made national publicity. I
6 recognized him, I called him in to the FBI. He
7 was brought out of the group at that time.

8 Our students have helped us face up
9 to things. This is an article about students
10 marking the graves of some of the lynching
11 victims. Springfield has never taken any
12 responsibility for any of this.

13 And then I'm going to beg your
14 indulgence for one quick moment. I have
15 devised something very important to conclude
16 with, because it's a letter from the lady that
17 Mayor Gannaway quoted as having attended the
18 group, that said that the black people in
19 Springfield do not want to have a memorial or
20 an apology. I am not finding it. I know it so
21 well, she's a friend of mine, I'm simply going
22 to quote from it. She has become a friend of

1 mine.

2 The newspaper -- I made a trip to
3 Albuquerque, New Mexico, for medical reasons a
4 while back, and while I was there I looked up
5 in the Albuquerque newspaper, the 1906 Easter
6 Sunday lead story had been told by historians,
7 and this made headlines around the world. It
8 was the story that was being printed in San
9 Francisco when the presses were destroyed by
10 the earthquake. That's what hid our shame.
11 That's what took us from the headlines.

12 I brought back this material and
13 asked the newspaper to print it, submitted it
14 again, a letter signed on NAACP stationery
15 asking that this be done. The newspaper
16 ignored it. I called and asked them why, told
17 them that I was going to take it to the
18 national, that I thought this was important
19 information. My letter was then printed, but
20 it was printed with a letter of Norma Duncan.
21 She's the black lady that did attend the Good
22 Community meeting that Mayor Gannaway told you

1 about who said that black folks here don't want
2 a memorial, don't want an apology.

3 I wrote to her after that. I said,
4 "You know, we've been made into adversaries and
5 I think we have a lot in common. Here we are
6 side by side, 'I want an apology, I want a
7 memorial, I want us to move on.'" Not just
8 looking back, but I do believe that when we
9 forget the past we are at true danger to repeat
10 it.

11 So I made this call to the newspaper.
12 Suddenly the article was printed next to
13 Norma's article with our photographs. I look
14 white; I'm not. She looks black; she is.
15 She's saying, "No, I don't want an apology";
16 I'm saying, "Yes, I do." So I called her and I
17 said, "How come, you know, our pictures were
18 with that?" They have mine on file because
19 I've been at a number of public things. She
20 said, "Well, you know, that's funny. They
21 called me and insisted they wanted a picture of
22 me or they weren't going to print my letter."

1 So I think we all know what was being
2 looked for there in terms of contrast. I live
3 in a city that wants to push aside the painful
4 topic of diversity. That's not necessarily
5 going to happen here.

6 And to get back to Mrs. Duncan's
7 letter, her reason for not wanting a memorial,
8 which she put in writing to me and I will share
9 with you -- I'll find it, it's in this mess --
10 is that she's afraid if we start talking about
11 it, it will happen again.

12 Thank you very much for your time.
13 I'll be glad to answer any questions. And I
14 would love to say I'm usually better organized
15 than this, but I don't lie very often.

16 DR. ROBINSON: Any questions?

17 MS. THOMPSON: Give us a minute to
18 breathe here.

19 DR. ROBINSON: I have one question.
20 It seems that the 1906 lynchings have really
21 forever promoted negative stereotypes and fears
22 and --

1 MS. STEWART-STAFFORD: Since 1906 we
2 had --

3 DR. ROBINSON: -- for the Police
4 Department. However, do you believe that a
5 memorial and an apology will actually take away
6 those attitudes and beliefs and stereotypes and
7 fears that the African American community has
8 towards the Police Department?

9 MS. STEWART-STAFFORD: No, absolutely
10 not. If I believed that, I would have gone
11 around and taken pennies to get the money to do
12 it. But here's what I do believe, let me
13 finish my answer.

14 I believe that the since the City of
15 Springfield has a book, a big bronze book down
16 on the square that purports to give the history
17 of the square and leaves out the single most
18 reported episode in the history of the city,
19 that something was hidden in 1906.

20 Oh, by the way, the largest number of
21 indictments for murder ever released unserved
22 in the United States of America, Christmas Eve

1 1909 here. Prominent Springfieldians who got
2 away with murder. If O.J. did, he's not the
3 first.

4 So at any rate, the reason that I
5 think a memorial or a marker is important is
6 that it's important to mark where the
7 courthouse used to be on the square, it's
8 important to mark that there was a stupid
9 gunfight where a man was shot in the back.
10 There's two markers to that. So if we're not
11 hiding something, if we're not afraid of
12 something right there in 1906, it would already
13 be in the big bronze book.

14 So what it would change -- Mayor
15 Gannaway doesn't want to call for town meetings
16 because this is the city that doesn't trust
17 itself. We had one of the most horrific events
18 in a horrific time. We certainly were not the
19 only city that had a lynching. We were the
20 only Christian community that chose to do three
21 of my brothers for Easter Sunday. Thank you.

22 MS. THOMPSON: Excuse me. I would

1 like to ask you a question: It would seem to
2 me that your life would be in danger.

3 MS. STEWART-STAFFORD: Oh, death
4 threats? Yeah. I don't report those. Oh,
5 thank you so much. When my daughter reported
6 that death threat, a police officer named Truly
7 Applegate followed us out in the hall --

8 MS. THOMPSON: Named what now?

9 MS. STEWART-STAFFORD: Truly
10 Applegate. Isn't that great? If you're going
11 to have a soap opera with a good cop in it --

12 MS. THOMPSON: I just wanted to hear
13 it.

14 MS. STEWART-STAFFORD: -- it would be
15 Truly Applegate? Anyway, he's still a
16 Springfield policeman and I still have the
17 deepest of respect for him. He followed me out
18 in the hall at the Police Department, me and my
19 daughter, and he said, "I have bad news for
20 you. Your complaint has been shown to Steve
21 Gullett. He has your telephone number, he has
22 your addresses."

1 My daughter gave birth to her child.
2 She received telephone calls and she was
3 nursing her baby when she was told that she was
4 in the crosshairs of a rifle. I think she was,
5 and I think they could just hear the suckling
6 sounds, but yes, I've gotten death threats, and
7 no, I don't report them.

8 DR. ROBINSON: I would like to get
9 back to my question initially. What kinds of
10 things can be done to improve police-community
11 relations in the City of Springfield? In other
12 words, understanding you mentioned the
13 situation and what is done in terms of
14 perceptions and attitudes.

15 But in moving beyond that, okay, what
16 can be done by the Police Department and the
17 community -- because police-community relations
18 is a two-way kind of project -- what kinds of
19 things can be done to improve police-community
20 relations, particularly as it relates to the
21 African American community, in an effort to
22 eliminate and remove some of these stereotypes?

1 MS. STEWART-STAFFORD: We need a
2 citizens review board. I want to be on it.

3 (Laughter)

4 MS. STEWART-STAFFORD: There's a
5 thing in Springfield called the gang book.
6 I've seen it. It's page after page after page
7 of pictures of blacks and mixed youth.

8 Capt. Smith referred to the advent of
9 gang activity in Springfield. He was referring
10 to when the Chicago boys were purported to have
11 made a pretty major impact in the cocaine
12 market here. That was the reason given for
13 this gang book.

14 Our gang book shouldn't be however
15 many pages big it is; it should be much bigger,
16 and it should have the white supremacist gangs
17 that have flourished here forever. They're our
18 gang problem. They're not our only gang
19 problem, but our big drug problem isn't in fact
20 cocaine, our big drug problem is deaths. And
21 it was before, after and during the KKK rally
22 at Big Wheeler Park in 1990. We have got to

1 stop scapegoating mixed people and people of
2 color, we have got to help us have tallies of
3 fatalities in Springfield.

4 DR. ROBINSON: In addition to the
5 citizen review board, what other things can the
6 community do to enhance this relationship, to
7 break down the barrier that exists between the
8 Police Department and the community?

9 MS. STEWART-STAFFORD: A whole lot
10 more voice for people like me and lots of
11 others like me. We need, we desperately need
12 those town hall meetings. If President Clinton
13 is willing to pursue that idea, I wish that you
14 would make a recommendation to those powers
15 that be that this be one of the sites of that
16 kind of meeting. We really do have a history
17 that would warrant it, and we have a bright
18 future here. We're gaining minority people.

19 A friend of mine named Dorothy Smith,
20 a pastor, moved away from here recently -- and
21 I'll also give you an interview with her in an
22 alternative newspaper, the News-Leader didn't

1 choose to publish one, which she outlined the
2 threats that she had gotten from white
3 supremacists and the black minister of a white
4 church here. She's one of those people who
5 came, contributed, couldn't stand it and moved
6 on. But she's in K.C. and I'll bet you could
7 find her. She's pretty much identified in the
8 article.

9 So we need to talk. We need to look
10 at our past and not just be ashamed of it
11 because there was great nobility there. There
12 were white people that sheltered black people.
13 In fact, a real tragedy is that we lost a place
14 called Fairbanks House.

15 Another real problem in Springfield
16 is that artifacts of black history,
17 architectural artifacts, are often destroyed.
18 OTC, the community college that everybody
19 touts, lost a big bond issue recently, and a
20 lot of people think that they really made
21 people mad with their high-handed decision to
22 tear down the Fairbanks House, the house that

1 had sheltered blacks. It needed to be a
2 museum.

3 We don't need a wildlife museum that
4 is being proposed as a use of state and city
5 money for this community to bring tourists
6 here. We need a multicultural archives that
7 lets people know that, first of all, this
8 community was a field of springs that Indians
9 and free blacks were enjoying when the Scot
10 settlers, including some named Stewart who came
11 along pretty early, got here. We need to let
12 people know that we've always been
13 multicultural, we always will be multicultural
14 and we have a brilliant future. We need to
15 talk about it.

16 DR. ROBINSON: Thank you.

17 (Simultaneous discussion)

18 MS. BOTELLO: Does the Police
19 Department have an office of citizens'
20 complaints?

21 MS. STEWART-STAFFORD: I am sure they
22 must. I am going to be really honest with you.

1 I have not reported anything to the police --
2 well, no, I take that back. After we made the
3 report and after Truly told us that Mr. Gullett
4 had gotten our names and addresses and the
5 others', none of us were hurt over that, but we
6 had car windows broken out, we, you know, petty
7 stuff. Definitely having a lot of phone calls
8 that I won't repeat the garbage.

9 I'll just say that the people who
10 know me well in this community call me a nigger
11 because they know about my dad, and the people
12 who don't know me well call me a nigger lover.

13 (Laughter)

14 MS. STEWART-STAFFORD: You know.

15 I'm sure they do have that. I'm also
16 sure that there's a lot of fear and frustration
17 that keeps people from using it. In a week, in
18 the week that my daughter and myself and
19 Carolyn Monteith (phonetic), who was at that
20 time the president of the NAACP, had our car
21 windows broken, we all reported them. We were
22 all told it was heat. Maybe it was. Well, it

1 was heat of some kind.

2 DR. ROBINSON: Thank you again.

3 Our final participant before the open
4 session is Mr. Athel Ransom II, who is
5 president of the NAACP, the Springfield Branch.
6 Mr. Ransom.

7 MR. RANSOM: Thank you. Well, I'm
8 going to keep the heat going.

9 So Rosemary is not anything directed
10 at Capt. Hal Smith. I like the guy, and I talk
11 frequently with this gentleman here which is
12 about the only officer and Capt. Darrell Criggs
13 (phonetic) that I could talk with over at the
14 Springfield P.D. now, a little bit.

15 But when my wife and I wake up in the
16 morning, my beautiful wife there, Betty Ransom,
17 at 7:00 in the morning, the first thing we hear
18 is browbeating Bill Clinton. When you jump
19 start the city of Springfield with racial
20 remarks on the lower end of the AM dial, what
21 do you expect? When we go to the hospital to
22 help my dad take dialysis, we hear this, and we

1 listen, because I'm wondering: One of these
2 days they're going to make a mistake, the
3 female host and the male host, and the FCC is
4 going to be all over.

5 Because when you've got that kind of
6 rhetoric, used to be Cracker Barrel on KTTS,
7 but no, it's the other station on the lower end
8 of the dial. So how can you expect for
9 Springfield to be any different when you've got
10 these people propping them up? They like this
11 kind of stuff.

12 Last night when I went home, my son
13 comes in and tells me about three pit bulls out
14 in my driveway. Now, how in the world could
15 three pit bulls get out in the driveway in a
16 residential neighborhood like -- I live south
17 of Sunshine. Never before in the neighborhood
18 itself I never saw this. I'm looking over to
19 my car door and a rattlesnake will be in my
20 pickup one of these mornings. Anything.

21 People like myself who are outspoken,
22 you're playing Russian roulette every time you

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1 turn the key in your truck. So I don't bother
2 it. If I go, I go. And I'm not counting
3 myself no martyr, but the different things that
4 this racism has caused in Springfield when
5 you've got 30 miles north of Springfield, a
6 19-year-old kid gets hung and he hangs there
7 five days behind the Greenthumb Trailer Court.
8 And you take it to the Justice Department and,
9 "Oh, the NAACP is trying to make a big name for
10 itself." I've got every piece of paper, I'll
11 give you copies of everything I have on the
12 hanging, the autopsy and all.

13 Now, this man committed suicide. He
14 goes to a shed where he doesn't know where
15 anything is, just at night, cuts the rope off
16 the well house and comes out, goes over to the
17 tree, gets a chair that comes from someplace,
18 hangs himself and it's suicide, so -- with
19 cotton balls in his nose. Now, I don't know
20 how they were cotton balls that had ether on
21 them, I don't know how they got there, but the
22 autopsy report, that's what it came down to.

1 Okay, let's move 30 miles south.

2 When Marty and Dorothy was trying to live on a
3 five-acre plot, a mixed marriage, they started
4 burning crosses. So we go to the Justice
5 Department again and we talk to their top man
6 who says, "The NAACP is trying to make a name
7 for itself."

8 When people's lives are threatened, I
9 don't think that the NAACP can say yea or nay.
10 But when you go to so-called help and you think
11 you're going to get that help, it doesn't
12 happen. Like I said, I've got all of these
13 articles, I've got all of the other proof of
14 every statement I make. They've been saying
15 I'm radical, they try to discredit me, but
16 everything I tell you, gentlemen, I can show
17 you in black and white.

18 And the life that we lived for 30
19 years, the first blacks to cross Sunshine, and
20 the Justice Department had to come in, they did
21 do a -- Harding and Mitchell at the time, they
22 went door to door and said, "These people are

1 going to live here and we have to place the
2 National Guard out here."

3 Now, I've been living under these
4 conditions in Springfield for 30 years. I'm
5 not going to leave. They'll cart me away, I
6 know that, but the thing is I've got 19
7 grandchildren that need a better life and need
8 something much better to look forward to. And
9 every time you get up every morning you've got
10 to be playing a game. I don't like games. I'm
11 a grown man, and I've always kept my family
12 together, I've taught them the right way. They
13 don't need no firearm. If their power from
14 their hand can't do it, they don't need it.

15 We don't have a situation that can be
16 understood of why these things are solvable.
17 There is a solution, and I've been talking with
18 this guy in Cleveland that maybe he can help us
19 here, but I doubt very seriously if this man we
20 brought in to Springfield, that they would even
21 want to listen to him.

22 So all the things that have happened

1 down through the years like the reported gang
2 problem, Rosemary spoke about it. They called
3 it the Rogue's Gallery, 138 pages, and of all
4 of those pages, every one of those are either
5 mixed children or they were black. And that
6 was composed by one of the corporals at the
7 department, she was a Caucasian, and one of the
8 heads of the school district, because they
9 would get them and line them up beside patrol
10 cars at night and take their picture. All of
11 that goes into this Rogue's Gallery as if
12 they're gang members now.

13 So they use this for the numbers,
14 too. They use this for the money. You create
15 all these things so you can bring the federal
16 dollars in here.

17 Well, now, if you've got these
18 problems it seems like it would be all over,
19 but you're got four black officers on the
20 force, took 15 years for one to be a Corporal.
21 Something is wrong. You can't get in here.

22 My wife and I, we drove 600 miles

1 from Joplin to Fort Leonard Wood trying to
2 recruit for them. They didn't ask us to it.
3 We did it freely, thinking that we could help,
4 but the first thing they told us, "You've got
5 the worst race conditions than anyplace we've
6 ever been." We went to Leonard Wood, I was up
7 at Leonard Wood eight years, and anyplace we
8 went it was always race first, salary second.

9 And you couldn't get -- I've talked
10 to the Kansas City P.D., lots of those guys I
11 know from Branson all the way back downtown.
12 Well, they tell me about what you hear about
13 it, that anytime you talk to anybody at Leonard
14 Wood, it's the "ivory city."

15 Well, they said there were 1,500
16 here. I think he's wrong, I think it's about
17 4,800 and something, a little under 5,000. But
18 in 90 years it's only grown 864. Now, that's
19 City Hall's figures. In 90 years from 1906 to
20 1996. Now, why? It must be because the people
21 know what's here.

22 But now it is a good town. We've

1 made a decent living here. My wife recently on
2 the 30th had a contract she was dealing with,
3 figures were changed because it was too
4 lucrative for a black woman to have. So we
5 hired an attorney. But I was going to ask the
6 gentleman here, can he help us? Because they
7 changed the figures. We didn't change them,
8 and they sent the spreadsheets. They're
9 ignorant, they don't know what's going on.

10 We've been in business 38 years.
11 Clean record. No stealing, no drugs, but yet
12 when we get to looking halfway decent, maybe
13 with a \$50 suit on, maybe wearing some \$10
14 shoes, it's too much. And I say this: As long
15 as you have people in high places that's going
16 to continue to keep that thumb down, there's
17 not going to be anything going to change around
18 here.

19 Go to any meeting and look at the
20 blacks that are on their committees. My wife
21 put my name up for three times. I said,
22 "Honey, you would just as well forget it. They

1 don't want nobody like me on their committees,
2 because they know what I'm going to say." I
3 don't sugarcoat nothing. It's the way it is,
4 and that's the way I tell it. That's the very
5 reason that the NAACP doubled their membership.
6 They asked me because they wanted me to be out
7 front.

8 Well, I'm beginning to get a little
9 concerned because they pushed me out there. I
10 think my wife is the only one there with me,
11 Rosemary, Calvin Allen, but a very few who will
12 support me now because of fear of their jobs.
13 I don't have a job, I don't want a job, but by
14 the same token, I want to be treated fairly
15 when I come home in the evening. I want to
16 feel comfortable.

17 And the reason that the Police
18 Department was called about those pit bulls is
19 my son felt like it would be better to call
20 them without him taking his .9 millimeter out
21 and shooting them all. But the next time
22 around -- it took them, I think, 12 minutes to

1 get there. But the next time around we're not
2 going to wait.

3 And I've said this repeatedly: It
4 seems like when we call, and I went down there
5 this morning, that when the Ransoms call for
6 any kind of assistance, they take their time
7 getting there or they have a reason to say why?
8 And, "Oh, no, we're not targeting you." Even
9 the Chief said we're not targeting, but yet
10 this same thing happens repeatedly when our
11 name comes up or we get on the horn.

12 I got run over at the Wal-Mart, I've
13 got two years ago in October, literally run
14 over with a four-wheel dolly stacked way high.
15 I was afraid to even call the Springfield P.D.
16 because I was afraid they would slant their
17 report and say, "Well, he shouldn't have been
18 there." I was ready to leave the store with my
19 package, I paid for it, and this lady let a
20 cart get away from her, got hurt. But I didn't
21 know what to do because I have experienced bad
22 things with them before.

1 So it comes down to when you have
2 mistrust on the keepers of the keys you try to
3 work around it. And believe me, that's what I
4 try to do. I'm not anti-police; believe me,
5 I'm not. It's just that -- and a lot of those
6 guys I like, I fish with some of them. But
7 it's just the way that I've been treated or my
8 family has been treated down through these
9 years. And we're still here, we're going to be
10 here.

11 MR. JENKINS: What recommendations do
12 you have in terms of police-community relations
13 in Springfield to make things better or to
14 reduce the tension that's here?

15 MR. RANSOM: First of all, a civil
16 review board. And then the next thing, look at
17 those federal funds that comes in and when
18 Chris Barrett up there critiques their
19 application, let him come into here and see
20 some of the average man on the street and let
21 him talk to those people. Stop them federal
22 funds that come in here and then you'll get

1 their attention. But as long as you feed them
2 that money they're going to keep on doing what
3 they're going to do, and you're not going to
4 get any results.

5 MR. JENKINS: In terms of the
6 community relations aspect of the Mayor's
7 Committee, what recommendations do you have for
8 that branch and also for the Mayor in terms of
9 race relations?

10 MR. RANSOM: Well, I think there are
11 people that can be put on these committees that
12 will enhance the trust of the different
13 committees, but you have some of the people on
14 City Council, and Mr. Jones Dell (phonetic)
15 that's supposed to represent me is one of the
16 main ones, they don't really want to deal with
17 any minorities or anybody with tinted skin.

18 And I can't understand this, because
19 I talked with the gentleman and he said, "The
20 color of my people, I wouldn't vote for
21 (inaudible) on City Council or any other
22 committee."

1 Now, if you have this kind of a
2 person running a city, one of the city fathers,
3 how in the world are you going to get diversity
4 here when he don't want to listen to you, he
5 don't have nothing -- if you've got something
6 negative to say, they will listen to you.

7 The same about the newspaper: If
8 you've got something negative to say about
9 blacks, they'll listen. But when you bring
10 them the facts, I've got two briefcases full of
11 material, all accurate. You think they print
12 any of that stuff? No way.

13 MR. JENKINS: In terms of complaints
14 that the NAACP has received, what Federal
15 agencies have you contacted to resolve those
16 complaints, and what has happened?

17 MR. RANSOM: The U.S. Board of
18 Education is one of our main things, because we
19 felt like that the (inaudible) job, when my
20 wife and I started in 1992, we didn't feel like
21 we got results. And they came down and they
22 started to ask questions, and it seemed like we

1 were getting some kind of results.

2 But then after Littlejohn left,
3 O'Shay was there, and everything was so
4 disarrayed we didn't know one end from the
5 other. Then they sit down and said they would
6 give them an okay. Well, things weren't okay,
7 not until we filed that second time and they
8 sent this 10-page document out.

9 They are working on it. If the
10 handbooks '95-'96, '96-'97 were accurate, why
11 did they reprint them in '97-'98? As Dr. Greve
12 said, true enough, they're working on it. But
13 there's so much of this I think that it's being
14 held back by the power structure, and I don't
15 know who the power structure is. That's one
16 thing I couldn't find out in this town. They
17 wouldn't tell me who was running it. Mayor
18 Gannaway doesn't run the city of Springfield;
19 neither does Tom Finney. There's somebody out
20 there someplace.

21 DR. ROBINSON: Okay. Any questions?

22 MS. BOTELLO: Who is Tom Finney?

1 MR. RANSOM: Tom Finney is the city
2 manager, and if he looked in a black cup of
3 coffee he would be offended.

4 DR. ROBINSON: I'm sorry, I didn't
5 hear.

6 MR. RANSOM: I said if Tom Finney
7 looked in a black cup of coffee he would be
8 offended.

9 DR. ROBINSON: Oh, okay, I didn't
10 understand what you were saying. I've got to
11 take care of that tape.

12 Any other questions?

13 MS. PERRY: Have you talked with the
14 Justice Department?

15 MR. RANSOM: Yes. Can I call names
16 here?

17 MR. JENKINS: No. In terms of
18 Federal officials?

19 MR. RANSOM: Yes, the Justice
20 Department. They have a person here that is a
21 head of the Justice Department, I have talked
22 to him. This is what he told me: "We can't

1 tell Lynn Rowe how to run his department." I
2 go to Kansas City, and you-know-who is the head
3 of the Justice Department up there, I carried
4 this about Shawn Harding and gave it to him. I
5 also gave it to Atkins Warren, you probably
6 know him, but he's not in here, so.

7 That's basically what we did. We
8 have tried to contact the right people, but it
9 seemed like they turn a deaf ear on problems
10 even when we bring the facts to them. Yes,
11 we've contacted them. They've got two black
12 agents. They sent a black agent down here to
13 critique cross burning in Spokane. How in the
14 world is a black man going to get any
15 cooperation out of some hillbillies? Or go up
16 here to Havana and Dallas County. How in the
17 world -- a black agent goes up there and starts
18 asking questions. Do you think any of those
19 people is going to answer any questions from a
20 black agent?

21 I wanted a report. Do you think I
22 can get a copy of that report? That's supposed

1 to be public information, but the gentleman
2 that runs that department, I don't think he
3 would give it to me.

4 DR. ROBINSON: Thank you very much,
5 Mr. Ransom.

6 OPEN SESSION

7 DR. ROBINSON: We are now ready for
8 our open session. If you missed the initial
9 opening statement, the open session is
10 structured. You have to sign up to participate
11 in this part of the program. We have two
12 people that have signed up for the open
13 session; they have four minutes each. If there
14 is anyone else that wants to, you need to speak
15 to Mr. Hernandez here and give him your name,
16 and you can participate.

17 Our first participant in the open
18 session is Dan McDaniels.

19 MR. McDANIELS: Yes. I have four
20 minutes?

21 DR. ROBINSON: Four minutes.

22 MR. McDANIELS: I have two topics I

1 want to discuss. The first one is what we call
2 goals, timetables, targets, mandates,
3 set-asides, aspirations, affirmative action,
4 this issue in the future by the time I reach
5 retirement.

6 By the time I reach retirement age, I
7 believe that there won't be too many other
8 people who look like me hopefully in this
9 country, the people of European ancestry and
10 stock. What I'm saying is we should look at
11 income perhaps, and persons' background rather
12 than their gender and race, when it comes to
13 affirmative action programs.

14 The second one is regarding
15 immigrants. I am originally from California.
16 I resided in Texas for a number of years. And
17 immigrants from other countries, non-English
18 speaking immigrants are moving into southwest
19 Missouri and northwest Arkansas in large
20 numbers nowadays. They work at poultry plants
21 and what have you.

22 And the government doesn't want to

1 seem to do much about it per se, except round
2 them up every once in awhile, but if we give
3 these immigrants amnesty again for breaking the
4 law when they come here with their undocumented
5 paperwork, I just think this is creating a
6 problem in some of our major cities. It's
7 lowering the wages, and some of these people
8 can't speak English very well, and I see them
9 firsthand.

10 And this is a problem nationwide, not
11 just around here, but it's becoming one. And
12 so I think that should be addressed, too,
13 because when you give them amnesty, well, I'm
14 African American. I came from South Africa,
15 does that mean I'm South African American? I'm
16 a Hispanic -- well, I just came from Miami
17 Beach. I mean, how dark do you have to be to
18 get some kind of special help?

19 And granted, not all of these people
20 that I'm referring to are not necessarily
21 undocumented or illegal, but a large portion of
22 them seem to be here lately. And if they don't

1 speak a word of English and they look the
2 stereotype profile then it makes you wonder
3 sometimes.

4 Anyway, I just think that affirmative
5 action should be looked at in the future in a
6 little different way because it's a pretty
7 controversial issue, and there's a lot of court
8 cases, I think, will be coming up regarding
9 this in the future. That's all.

10 MR. JENKINS: Could you leave your
11 address with Mr. Hernandez?

12 MR. McDANIELS: I already gave it to
13 him earlier today.

14 DR. ROBINSON: Thank you very much.

15 The next participant in open session
16 is Ms. Nancy Duncan.

17 MRS. DUNCAN: Norma.

18 DR. ROBINSON: Norma?

19 MRS. DUNCAN: Mrs. Norma Duncan.

20 DR. ROBINSON: Mrs. -- I'm sorry, I
21 have Nancy here. Mrs. Norma Duncan.

22 MRS. DUNCAN: As a native of the

1 city, I'm real honored that you're here, and I
2 want to talk to you about the apology for the
3 lynching in 1906.

4 I was invited by Samuel Knox, who is
5 the editor of the black paper here called
6 (inaudible). Sam is very much a participant in
7 what goes on in the city, and he invited me to
8 go to the meeting with him. Before I went, I
9 told Sam, I said, "You know how I feel about
10 this. I am not in favor of putting a plaque on
11 the square."

12 When I went to this group, every
13 important person in Springfield was in that
14 meeting. The city manager was there, the Mayor
15 was there, most of the people who as a group
16 try to decide what we need to do as a city to
17 move forward.

18 They were very patient with me. The
19 first thing I told them was that I did not
20 speak for anybody but myself, that I
21 represented no group, I was talking to them as
22 one who was born here, whose father was in

1 business here. My father was a black
2 businessman many, many years ago. He had a
3 shoe business here. Bill Bland was my father.

4 My mother was a teacher in the
5 Springfield school system. For a number of
6 years we were segregated in everything. We
7 were all in one black school. My mother was a
8 teacher in that school. When the schools
9 integrated, she went to Pipkin Junior High
10 School and she stayed there until she retired.

11 I retired from a major industry here
12 in Springfield after 30 years. Right now I
13 continue to work. I'm still young, I'm not old
14 enough to draw Social Security, so I'm still
15 out there in the work force. I work for the
16 oldest black businessman in Springfield,
17 Mr. Chester Shipps, who is 86 years old.
18 Mr. Shipps is the father of nine children; one
19 is deceased. His children were the first
20 children to attend Catholic school in
21 Springfield. The Catholic schools integrated
22 two years before the public schools.

1 My opposition to this plaque is based
2 on the fact that this is an incident of shame.
3 Let us not put a badge of shame on our public
4 square. These three men who were lynched were
5 innocent. My last name is Duncan by marriage.
6 I was married to a Duncan for nine years. That
7 family, a member of that family was one of the
8 men who was lynched on that square.

9 Before I went to this meeting I
10 thought about it, I was up all night thinking
11 about what I was going to say. I called the
12 oldest living survivor in the family and I
13 asked him, "What do you think about it?" I
14 said, "I'm not in favor of it, but what do you
15 think?" He said, "I cannot see where it would
16 serve any useful purpose."

17 If we're going to memorialize
18 something about black people, let us honor the
19 role we played in this city. There's not
20 anything here, there's no monument, no plaque
21 to what we did to build Springfield. We came
22 to this city when the first white settlers came

1 to Springfield in the 1800s to build
2 Springfield. They came in covered wagons.
3 They brought their slaves with them to
4 Springfield. When they came here, black people
5 were already here living among the Indians.

6 We have black people here, there was
7 a black man here who invented a car. There was
8 a black man who lived here who was one of the
9 Buffalo Soldiers. A lot of this stuff I am
10 just finding out myself because it's not
11 really, our story has not been told. It isn't
12 that we don't have a story. Yes, we have a
13 rich history here, but let's tell it in the
14 right way.

15 Let me give you two examples about
16 apologies. When Susan Smith, this young white
17 lady, drowned her children, all America was
18 sad, but there was something else that
19 happened, too. She laid it on black people. A
20 lot of people were wrongfully brought in and
21 questioned and everything. Her brother, who
22 was a member of this community, called up his

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1 black friends and he apologized for it. "I'm
2 sorry this has happened to you," and
3 everything, but that hurt is still in that
4 community.

5 In Boston a white man accused a black
6 man of killing his wife, and he had killed her.
7 Around 300 black men were rounded up. There
8 was such an outcry, such an outrage in that
9 city. And money was given to the black
10 community, but the hurt is still there.

11 Let's not feed on hurt. We're trying
12 to move ahead. We have got bigger problems
13 here that we need to solve. We have got racism
14 as bad as it was then. When that lynching took
15 place we had Negroes in business here. They
16 left. A lot of people left. All of our
17 progress stopped. We were delegated to
18 becoming maids and porters and janitors and
19 everything, but we survived.

20 And we survived with the help -- it
21 took everybody to pull together, white and
22 black, because we had nothing. We had to have

1 the help. We had to work together. We went
2 into integration. Do you think that they had
3 to have troops here in Springfield to escort me
4 to school? I went to school in that first
5 group. I just walked right up Central Street
6 and went to Central High School. I'm about to
7 have my 40-year class reunion. I'm going to
8 meet with white people that I haven't seen for
9 years, and I see a lot of them right here in
10 this town that are my friends.

11 When I went to work at the factory
12 where I worked at in 1965, one of my white
13 classmates was already there. She and I are
14 still friends. I'm looking forward to seeing
15 her again.

16 Let's not feed on something ugly. If
17 we're going to commemorate something, let's
18 commemorate the role that we have played in the
19 growth of this city, and it's a big growth. If
20 we don't know it, let's get in there and find
21 out what it is, and let's commemorate that.
22 And like I told them, if you want to apologize,

1 if this is what you want to do, go out to
2 Hazelwood Cemetery, which is not too far from
3 where we are, go to the grave of those men and
4 get out there as those kids did at Hillcrest
5 High School. They raised money and they put a
6 plaque out there and marked that grave, and
7 they sang and they prayed and they had a
8 beautiful service, but most of us didn't know
9 anything about it. It was over and done with
10 before we knew anything about it.

11 The Negro has got to play his role in
12 the growth of the city. Our problem now, we
13 don't sit at the table when decisions are made.
14 When Sam and I went to this meeting we were the
15 only two blacks there. I was delighted to have
16 been there. The reason why we're not, it's not
17 because we're not interested or because we
18 don't care or we don't want to be a part of
19 anything, it's because we're trying too hard to
20 survive.

21 The entry-level jobs that we have
22 keep us working at night, they let you go home

1 and rest, eat some food, get up and go on
2 another job because you've got to survive out
3 here. This is what we need to work on. Our
4 kids cannot get along in school now, and I
5 can't understand it. I went to school when
6 maybe I was the only black in the class. When
7 I went to work at a factory in 1965, for a long
8 time I was the black lady out there in the
9 daytime and then there was another black lady
10 that came out there at night. I wasn't the
11 first one there, but there were so few of us
12 and later on the rolls began to swell.

13 And if I pull up, I can pull somebody
14 else up with me, but I also can take my foot
15 and stomp you back. It's just whatever you
16 want to do. If I thought that it would serve a
17 good purpose I would be 100 percent behind
18 putting a plaque on the square and all that,
19 but let's not just feed the hate and rage and
20 insults because we have all got to live in this
21 world. We are not a big overgrown country
22 town. There was a time out here where you are

1 now, this was woods when I was a girl. And I'm
2 almost 60 years old and look at it now. Look
3 at it now, and think about what it can be.

4 But you have to work for it. We need
5 more black involvement in everything. We need
6 our voices heard, not just F.L.'s or Betty's or
7 Calvin's or Denny's or Dexter, Jr.'s and all of
8 that, we need everybody's involvement. Until
9 we get on the bus and do our part, we're never
10 going to have a good community because we're
11 growing so fast.

12 We are the minority now. In another
13 few years, the Hispanic population is growing
14 in Springfield. We've got to think about their
15 needs. Their needs are going to be balanced
16 with our needs.

17 Lee Gannaway made a statement in that
18 meeting the other day that they had to be
19 prudent stewards of public money. They're
20 going to have to watch what they spend. We
21 have so many problems here, we've got gang
22 problems, we've got school problems, we've got

1 dropout problems. Right now I'm working on the
2 dropout problem. Twenty to 30 percent of the
3 young people in Springfield are not finishing
4 school. We have black youngsters here that are
5 dropping out, not graduating, don't want to go
6 to school, don't know why they don't want to go
7 to school. We have got to address those issues
8 now.

9 The lynching is very much a part of
10 our history. We have a lady here, a professor
11 at SMS, professor of English, a white lady who
12 came here in 1981 and wanted to know about the
13 black community. They didn't want to hear it.
14 She got shouted at, she got threatened and
15 everything, everybody got mad at her, but she
16 went ahead and she pursued this. She has a
17 beautiful work based on what we told her, the
18 pictures we gave her, the stories we told her
19 and everything, and her work is at SMS.

20 Now, she doesn't go out talking
21 unless people ask for it, but the time has
22 passed so that when she came here everybody

1 knew her and she was around and all of this,
2 and now it's a whole generation of people who
3 do not know her. The people who run
4 Springfield now are not the people who have
5 those black servants that stayed with the
6 family today. These are people coming in here
7 that never dealt with a black person, that are
8 coming in here with stereotypes that they know
9 nothing about, and we can't have that. So that
10 was my reason for the opposition.

11 DR. ROBINSON: Thank you very much,
12 Mrs. Duncan.

13 The next participant in open session
14 is Mr. Harold Holcomb.

15 MR. HOLCOMB: This will be a couple
16 of seconds. I'm a newcomer to Springfield, I
17 moved here from out of state. I'm retired and
18 I was looking for a place that's peaceful to
19 spend a few good years of my life before I die.

20 I've lived in Kansas City as a child,
21 Independence, and I've moved around quite a bit
22 in my business life. I've lived in Chicago,

1 Milwaukee and Dallas, Texas, and Memphis,
2 Tennessee where I spent my last 15 years. I
3 wanted to retire in that city because it was a
4 beautiful city. The people were beautiful, I
5 thought. The climate was good. What better
6 place to retire?

7 I made plans for 15 years to retire.
8 They had the same problems down there that
9 every other big city seems to have. Crime. I
10 want to compliment this Police Department for
11 whatever else they may have done, a damn good
12 bunch of guys because you kept the crime rate
13 down here, and that's what attracted me to this
14 city.

15 Another little thing was my real home
16 was Kansas City and I've got a sister-in-law
17 who is very ill up there. I've got ties to
18 Memphis, good friends down there. So my wife
19 and I settled on Springfield for two reasons,
20 really, it was close to both cities yet out of
21 them. We wouldn't go back to Kansas City.
22 It's a cesspool, as far as I'm concerned, and

1 so has Memphis has turned into a cesspool.

2 This city has got some problems I'm
3 learning tonight. And the reason I came to
4 this meeting, and I go to City Council
5 meetings, I'm trying to learn something about
6 this city, who is running it and why and what's
7 behind it and is it good or bad. I really
8 haven't made up my mind yet. It looks like
9 Johnny Morris is running this city because
10 (inaudible) he owns property all over this town
11 and out of it, and he has got a nice place
12 built and he wants this meeting to donate my
13 property tax money to him to build a damn
14 museum which is not more than an extension of
15 his business.

16 I didn't get up here to criticize the
17 business of the city.

18 MR. RANSOM: Tell it like it is.

19 MR. HOLCOMB: I wanted a few things.
20 The little lady that was just up here was so
21 eloquent in talking about what she talked
22 about. I couldn't disagree with anything she

1 said. I do disagree with what you said. We've
2 got to learn to forget and live with one
3 another.

4 MS. STEWART-STAFFORD: I think we
5 can --

6 MR. JENKINS: Mary, let him have
7 (inaudible).

8 MR. HOLCOMB: We don't need to bring
9 up -- I didn't know about this lynching thing
10 until I got here. That's history. I didn't
11 have a damn thing to do with it, and I don't
12 want to be reminded of it and you shouldn't
13 either. What we ought to look at is what's
14 here today and our future.

15 Now, I know you have got good
16 thoughts behind, good motives behind what you
17 want to do, but we've got to look at things
18 today and get them corrected if they're wrong,
19 if they're not fair, and make it better for
20 your kids and your grandkids.

21 Again, all I got up here to say was I
22 appreciate this Police Department and the

1 standing this city has with crime, because in
2 Memphis my wife was afraid to go around the
3 street with our dog at night. She was afraid
4 to go to the shopping center in the daytime.
5 You don't know what blessings you've got in
6 this town. We've just got to correct some of
7 the problems, obviously, because I'm not aware
8 of them all, but I'm learning.

9 But as far as the guys that were
10 lynched and who the bastards were that lynched
11 them, that's past history. I had nothing to do
12 with it. Let's make sure that sort of thing
13 never happens again. And that's pretty cruel,
14 but let's live for today and the future to make
15 all of our lives a little better.

16 DR. ROBINSON: Thank you. The final
17 participant is Mr. Donald Fisher.

18 MR. FISHER: You've been asking most
19 of the participants who have come up here and
20 spoken to you a question: What do you think we
21 can do to enhance race relations here in
22 Springfield? Which I might paraphrase as a

1 statement that says basically: What do you
2 think we can do to help ourselves?

3 I have a basic question for all of
4 you members of this panel: What can you do to
5 help members of the minority community in
6 Springfield protect themselves from the harmful
7 effects that some of us view as systemic and
8 widespread?

9 Disparate, adverse impact abounds in
10 this community. Look at the statistics the
11 school system and criminal justice system can
12 provide you. African Americans account for
13 about 4 percent of the enrollment in
14 Springfield public schools, you put that out I
15 don't know how many times today, but about 30
16 percent of the disciplinary actions, in school
17 and out of school suspensions, involved
18 students of color. Adverse impact, disparate
19 impact.

20 African Americans achieve at a rate
21 that is substantially below that of
22 non-minority students in this community.

1 African Americans have substantially lower
2 grade point averages and graduation rates.
3 Disparate, adverse impact.

4 African Americans account for about 2
5 percent of the general population in
6 Springfield, but many times that percent in
7 arrest rate, prosecution rate, conviction rate,
8 and incarceration rate. Although Dr. Greve and
9 Chief Rowe can provide you with the specific
10 numbers, these people seem, to some of us at
11 least, to be disinterested, unwilling and
12 insincere about aggressively working toward
13 positive change.

14 Let me talk in personal terms. My
15 wife and I have four African American children
16 who are now young adults. Three of them have
17 left this community in large part because of
18 the endemic hostility and lack of opportunity.
19 How do I protect my youngest son, who is still
20 living here, from being harassed by Officer
21 Worley of the Springfield Police Department?

22 Let me tell you a brief story. About

1 three months ago my son and a friend who is
2 white were walking down South Street in the
3 middle of the afternoon, a street in the middle
4 of south central Springfield here. They were
5 meandering on and off the curb and roadside as
6 they walked but staying on the side of the road
7 and out of the way of any moving traffic.

8 Officer Worley followed the two for over a
9 block, unbeknown to my son and his friend.

10 When he stopped them, he told my son to stand
11 with his arms out while he searched him
12 extensively for weapons, while my son's friend
13 was told to stand aside and not get involved
14 unless he wanted trouble.

15 If we challenge this stop and search
16 behavior, Officer Worley responds that he was
17 just doing his duty, and his superior
18 supporting. After all, my son was technically
19 breaking the law by not staying strictly on the
20 sidewalk. Never mind that my son's friend
21 wasn't searched, never mind that the college
22 students playing catch in the street a couple

1 of blocks away were not stopped and searched.

2 After all, officers cannot apprehend all who
3 break the law.

4 Never mind the downtown business
5 owners are complaining about Officer Worley's
6 intimidation and harassment of their customers
7 even when it results in a front-page article in
8 the Springfield newspaper a couple of weeks
9 ago. As long as prosecutors convict those whom
10 Office Worley arrests, as long as Officer
11 Worley does not stop and search those for whom
12 he cannot demonstrate just cause, Chief Rowe
13 and other superiors see no problem.

14 I can tell you other stories, stories
15 about how my oldest son and his friends would
16 be routinely stopped and searched by police
17 officers as they would cruise around on weekend
18 evenings and how their white cohorts were not.
19 And Mr. Ransom, president of Springfield branch
20 NAACP, can tell you of many, many stories
21 involving the 16 or so rogue officers who
22 regularly harass members of our minority

1 community.

2 So I repeat my question to you: What
3 can you do to help members of this minority
4 community protect themselves from the tyranny
5 of the majority (inaudible)? We've given you
6 the statistics and anecdotal examples. What
7 else does it take? What can your governmental
8 enforcement agencies do for us?

9 I didn't intend that to be a
10 rhetorical question. And I think many others
11 here would like to hear you tell us what we can
12 do. Thank you.

13 DR. ROBINSON: I think we'll speak to
14 that in closing.

15 MR. FISHER: And I look forward to
16 it.

17 DR. ROBINSON: Thank you.

18 I would like to thank each of you for
19 your participation, certainly the time you
20 spent sitting here for five hours. It has
21 definitely been an informative session for us
22 and will assist us in our deliberations and

1 certainly recommendations made to the
2 Commission. As well, we hope that we were able
3 to provide you with some information that is
4 useful for you in your pursuit of justice and
5 things that are right and fair.

6 We definitely want to extend a thank
7 you to our agency representatives from the
8 Federal Government as well as state government.
9 And at this time, I would like to turn the
10 session over to Mr. Melvin Jenkins who, of
11 course, is the Director of the Regional Office.

12 MR. JENKINS: Thank you.

13 In response to the question that was
14 left by the last speaker, the process for the
15 Advisory Committee and for the U.S. Commission
16 on Civil Rights from this day, we will have a
17 transcript of this meeting available to the
18 general public within three to four weeks after
19 it is verified. We intend to come out with a
20 written report from this meeting tonight with
21 findings and recommendations that will be
22 directed to the entities within the city

1 government or to the community.

2 With respect to some of the
3 complaints that will come forward, I will be
4 meeting with some of my colleagues in the
5 Federal sector to determine what course of
6 action to take now. One, the Office of Civil
7 Rights, Department of Education is already
8 actively involved in pursuing several
9 complaints here in the city.

10 With respect to some of the
11 information concerning the administration of
12 justice, we will follow up with some additional
13 questions to the local Police Department
14 concerning some of the allegations that were
15 made this evening also, so that we can have
16 that information available in our report. With
17 respect to the Human Relations Commission of
18 the city, I'm quite sure that the committee
19 will make recommendations, not only to that
20 commission but to the Mayor and to the Police
21 Department.

22 Our agency is not an enforcement

1 agency. We are a fact-finding agency, which
2 puts us in the position that we are able to
3 recommend various recommendations to entities
4 within city government or county government, in
5 this instance. We will follow up on the
6 recommendations that will be made from the
7 report. We are hopeful that we can have a
8 report ready within a short time frame.
9 Because we have other things that we are
10 dealing with, I cannot give you an exact date
11 when we will have the report ready.

12 But best be assured that this
13 Advisory Committee will maintain a monitoring
14 aspect on race relations here in Springfield.
15 If it means that we have to come back to get
16 additional information, we will be back. We
17 will not simply go back to Kansas City where
18 the advisory committee members are, or to our
19 regional office and forget about Springfield.

20 This is a part of our activity that
21 we have to maintain. We have not had a
22 presence in Springfield for a number of years,

1 but because of the information that we have
2 collected this evening, we will maintain an
3 ongoing presence to monitor race relations, and
4 we will get back with you and to the general
5 citizens of this community with a written
6 report with findings and recommendations.

7 And again, with respect to some of
8 the allegations that were made this evening, we
9 will follow up on those and refer those to the
10 proper Federal authorities. That's what we
11 have in terms of our power and our limited
12 ability to do any type of enforcement, because
13 we are not an enforcement agency. We rely on
14 other agencies to carry out the enforcement
15 mechanism for us.

16 MR. FISHER: Will you be sharing your
17 report with all of the groups that are
18 represented here, with the NAACP, for example?

19 MR. JENKINS: When we have our
20 report, our practice has been and will always
21 be that we will release that report in a public
22 conference, in a press conference, when we come

1 out with that final report.

2 MR. HERNANDEZ: And the report will
3 be mailed to the persons that signed in at the
4 door.

5 MR. JENKINS: Right. So make sure we
6 have your name and address so that you will
7 have a copy of that report.

8 Again, thank you on behalf of the
9 Advisory Committee, and God speed.

10 (Whereupon, the Civil Rights
11 Empowerment Forum was
12 concluded.)

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